

Bill No. SB 2656

Barcode 411334

591-1985-05

Proposed Committee Substitute by the Committee on Criminal Justice

1 A bill to be entitled

2 An act relating to juvenile justice;

3 reorganizing ch. 985, F.S.; providing new

4 section numbers and part titles; amending s.

5 985.01, F.S., relating to purposes and intent

6 for the chapter; amending s. 985.02, F.S.,

7 relating to the legislative intent for the

8 juvenile justice system; revising a reference

9 and cross-references to conform; amending s.

10 985.03, F.S., relating to definitions for the

11 chapter; amending, renumbering, and revising

12 references and cross-references to conform;

13 creating s. 985.0301, F.S., relating to the

14 jurisdiction of the juvenile court; amending

15 and renumbering s. 985.201, F.S.; amending and

16 renumbering a provision of s. 985.219, F.S.,

17 that relates to such jurisdiction; amending and

18 redesignating a provision of s. 985.231, F.S.,

19 that relates to such jurisdiction; amending and

20 redesignating a provision of s. 985.31, F.S.,

21 that relates to such jurisdiction; amending and

22 redesignating a provision of s. 985.313, F.S.,

23 that relates to such jurisdiction; revising

24 references and cross-references to conform;

25 creating s. 985.032, F.S., relating to legal

26 representation for delinquency cases;

27 renumbering s. 985.202, F.S.; creating s.

28 985.033, F.S., relating to the right to

29 counsel; amending and renumbering s. 985.203,

30 F.S.; revising references to conform; creating

31 s. 985.035, F.S., relating to open hearings;

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1 renumbering s. 985.205, F.S.; creating s.
2 985.036, F.S., relating to the rights of
3 victims in juvenile proceedings; amending and
4 renumbering s. 985.206, F.S.; providing for the
5 release of certain information to victims;
6 creating s. 985.037, F.S., relating to
7 punishment for contempt of court and
8 alternative sanctions; amending and renumbering
9 s. 985.216, F.S.; revising provisions relating
10 to contempt of court; creating s. 985.039,
11 F.S., relating to the cost of supervision and
12 care; renumbering s. 985.2311, F.S.; amending
13 and renumbering s. 985.04, F.S.; clarifying a
14 provision relating to the release of certain
15 information; revising references and
16 cross-references to conform; creating s.
17 985.045, F.S., relating to court records;
18 amending and renumbering s. 985.05, F.S.;
19 revising references and cross-references to
20 conform; creating s. 985.046, F.S., relating to
21 the statewide information-sharing system and
22 interagency workgroup; renumbering s. 985.06,
23 F.S.; creating s. 985.047, F.S., relating to
24 information systems; renumbering s. 985.08,
25 F.S.; creating s. 985.101, F.S., relating to
26 taking a child into custody; amending and
27 renumbering s. 985.207, F.S.; creating s.
28 985.105, F.S., relating to intake and case
29 management; renumbering s. 985.2075, F.S.;
30 renumbering a provision of s. 985.215, F.S.,
31 relating to transporting a child who has been

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1 taken into custody; revising a reference and
2 cross-references to conform; creating s.
3 985.105, F.S., relating to youth custody
4 officers; renumbering s. 985.2075, F.S.;
5 creating s. 985.11, F.S., relating to
6 fingerprinting and photographing; amending and
7 renumbering s. 985.212, F.S.; revising a
8 cross-reference to conform; creating s.
9 985.115, F.S., relating to release or delivery
10 from custody; amending and renumbering
11 provisions of s. 985.211, F.S., that relate to
12 such release or delivery; revising
13 cross-references to conform; creating s.
14 985.12, F.S., relating to civil citations;
15 amending and renumbering s. 985.301, F.S.;
16 revising a cross-reference to conform; creating
17 s. 985.125, F.S., relating to prearrest or
18 postarrest diversion programs; renumbering s.
19 985.3065, F.S.; creating s. 985.13, F.S.,
20 relating to probable cause affidavits; amending
21 and renumbering provisions of s. 985.211, F.S.,
22 that relate to probable cause affidavits and
23 certain requirements upon the taking of a child
24 into custody; revising cross-references to
25 conform; creating s. 985.135, F.S., relating to
26 juvenile assessment centers; renumbering s.
27 985.209, F.S.; creating s. 985.14, F.S.,
28 relating to the intake and case management
29 system; amending, renumbering, and
30 redesignating provisions of s. 985.21, F.S.,
31 that relate to intake and case management;

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1 revising cross-references to conform; creating
2 s. 985.145, F.S., relating to the
3 responsibilities of the juvenile probation
4 officer during intake and to screenings and
5 assessments; amending and redesignating
6 provisions of s. 985.21, F.S., that relate to
7 such responsibilities, screenings, and
8 assessments; revising cross-references to
9 conform; creating s. 985.15, F.S., relating to
10 filing decisions in juvenile cases; amending
11 and redesignating provisions of s. 985.21,
12 F.S., that relate to such decisions; revising
13 cross-references to conform; creating s.
14 985.155, F.S., relating to neighborhood
15 restorative justice; renumbering s. 985.303,
16 F.S.; creating s. 985.16, F.S., relating to
17 community arbitration; amending and renumbering
18 s. 985.304; F.S.; revising a reference to
19 conform; creating s. 985.18, F.S., relating to
20 medical, psychiatric, psychological, substance
21 abuse, and educational examination and
22 treatment; renumbering s. 985.224, F.S.;
23 redesignating a provision of s. 985.215, F.S.,
24 that relates to comprehensive evaluations of
25 certain youth; creating s. 985.185, F.S.,
26 relating to evaluations for dispositions;
27 amending and renumbering provisions of s.
28 985.229, F.S., that relate to such evaluations;
29 creating s. 985.19, F.S., relating to
30 incompetency in juvenile delinquency cases;
31 renumbering s. 985.223, F.S.; creating s.

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1 985.195, F.S., relating to transfer to other
2 treatment services; renumbering s. 985.418,
3 F.S.; creating s. 985.24, F.S., relating to the
4 use of detention and to prohibitions on the use
5 of detention; renumbering provisions of s.
6 985.213, F.S., that relate to the use of
7 detention; renumbering s. 985.214, F.S.;
8 creating s. 985.245, F.S., relating to the risk
9 assessment instrument; amending and renumbering
10 a provision of s. 985.213, F.S., that relates
11 to such instrument; revising cross-references
12 to conform; creating s. 985.25, F.S., relating
13 to detention intake; amending, renumbering, and
14 redesignating provisions of s. 985.215, F.S.,
15 that relate to detention intake; revising
16 cross-references to conform; creating s.
17 985.255, F.S., relating to detention criteria
18 and detention hearings; amending and
19 renumbering a provision of s. 985.215, F.S.,
20 that relates to such criteria and hearings;
21 revising cross-references to conform; amending
22 and redesignating a provision of s. 985.213,
23 F.S., that relates to such criteria and
24 hearings in circumstances involving domestic
25 violence; revising a cross-reference to
26 conform; creating s. 985.26, F.S., relating to
27 length of detention; amending, renumbering, and
28 redesignating provisions of s. 985.215, F.S.,
29 that relate to length of detention; revising
30 cross-references to conform; creating s.
31 985.265, F.S., relating to detention transfer

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1 and release, education of juvenile offenders
2 while in detention or on detention status, and
3 holding of juvenile offenders in adult jails;
4 amending and renumbering provisions of s.
5 985.215, F.S., that relate to transfer,
6 release, and holding juvenile offenders in
7 adult jails; renumbering a provision of s.
8 985.213, F.S., that relates to education of
9 juvenile offenders while in detention or on
10 detention status; revising references and
11 cross-references to conform; creating s.
12 985.27, F.S., relating to postcommitment
13 detention of juvenile offenders while such
14 offenders are awaiting residential placement;
15 amending and redesignating provisions of s.
16 985.215, F.S., that relate to such detention;
17 limiting the use of such detention; revising
18 references to "detention" to clarify that such
19 term means "secure detention" in certain
20 circumstances; creating s. 985.275, F.S.,
21 relating to the detention of an escapee;
22 amending and renumbering s. 985.208, F.S.;
23 revising a cross-reference to conform; creating
24 s. 985.318, F.S., relating to petitions;
25 renumbering s. 985.218, F.S.; creating s.
26 985.319, F.S., relating to process and service;
27 renumbering provisions of s. 985.219, F.S.,
28 that relate to process and service; creating s.
29 985.325, relating to prohibitions against
30 threatening or dismissing employees; amending
31 and renumbering s. 985.22, F.S.; revising

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1 cross-references to conform; creating s.
2 985.331, F.S., relating to court and witness
3 fees; renumbering s. 985.221, F.S.; creating s.
4 985.335, F.S., relating to answering a
5 petition; renumbering s. 985.222, F.S.;
6 creating s. 985.345, F.S., relating to
7 delinquency pretrial intervention programs;
8 renumbering s. 985.306, F.S.; creating s.
9 985.35, F.S., relating to adjudicatory
10 hearings, withholding of adjudication, and
11 orders of adjudication; amending and
12 renumbering s. 985.228, F.S.; repealing a
13 provision prohibiting a person from possessing
14 a firearm in certain circumstances; revising a
15 reference and cross-references to conform;
16 creating s. 985.43, F.S., relating to
17 predisposition reports and other evaluations;
18 amending and renumbering provisions of s.
19 985.229, F.S., that relate to such reports and
20 evaluations; revising cross-references to
21 conform; creating s. 985.433, F.S., relating to
22 disposition hearings in delinquency cases;
23 amending and renumbering s. 985.23, F.S.;
24 clarifying who is considered a party to a
25 juvenile case; specifying who must be given an
26 opportunity to comment on the issue of
27 disposition; revising cross-references to
28 conform; amending a provision of s. 985.231,
29 F.S., relating to requirement of written
30 disposition orders; creating s. 985.435, F.S.,
31 relating to probation, postcommitment

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1 probation, and community service; amending and
 2 redesignating a provision of s. 985.231, F.S.,
 3 relating to probation, postcommitment
 4 probation, and community control; creating s.
 5 985.437, F.S., relating to restitution;
 6 amending and redesignating provisions of s.
 7 985.231, F.S., that relate to restitution;
 8 revising a reference and cross-reference to
 9 conform; creating s. 985.439, F.S., relating to
 10 violations of probation or postcommitment
 11 probation; amending and redesignating
 12 provisions of s. 985.231, F.S., that relate to
 13 such violations; revising cross-references to
 14 conform; creating s. 985.441, F.S., relating to
 15 commitment; amending and redesignating
 16 provisions of s. 985.231, F.S., that relate to
 17 commitment; providing a requirement for
 18 commitment of a child as a juvenile sexual
 19 offender; revising cross-references to conform;
 20 renumbering a provision of s. 985.404, F.S.,
 21 that relates to transfers of the child to
 22 administer commitment; creating s. 985.442,
 23 F.S., relating to the form of commitment;
 24 renumbering s. 985.232, F.S.; creating s.
 25 985.445, F.S., relating to disposition of
 26 delinquency cases involving grand theft of a
 27 motor vehicle; amending and redesignating a
 28 provision of s. 985.231, F.S., that relates to
 29 disposition in such cases; creating s. 985.45,
 30 F.S., relating to liability and remuneration
 31 for work; amending and redesignating a

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1 provision of s. 985.231, F.S., that relates to
 2 liability and remuneration; creating s.
 3 985.455, F.S., relating to other dispositional
 4 issues; amending and redesignating provisions
 5 of s. 985.231, F.S., that relate to
 6 determination of sanctions, rehabilitation
 7 programs, and certain contact with the victim
 8 subsequent to disposition; redesignating
 9 provisions of s. 985.231, F.S., that specify
 10 the duration of commitment and suspension of
 11 disposition; revising a cross-reference to
 12 conform; creating s. 985.46, F.S., relating to
 13 conditional release; amending and renumbering
 14 s. 985.316, F.S.; revising a cross-reference to
 15 conform; creating s. 985.465, F.S., relating to
 16 juvenile correctional facilities and juvenile
 17 prisons; amending and renumbering s. 985.313,
 18 F.S.; creating s. 985.47, F.S., relating to
 19 serious and habitual juvenile offenders;
 20 amending and renumbering a provision of s.
 21 985.03, F.S., that relates to such offenders;
 22 amending and renumbering s. 985.31, F.S.;
 23 revising a reference and cross-references to
 24 conform; creating s. 985.475, F.S., relating to
 25 juvenile sexual offenders; amending and
 26 renumbering a provision of s. 985.03, F.S.,
 27 that relates to such offenders; revising a
 28 cross-reference to conform; amending and
 29 renumbering a provision of s. 985.231, F.S.,
 30 that relates to such offenders; revising
 31 cross-references to conform; creating s.

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1 985.48, F.S., relating to juvenile sexual
 2 offender commitment programs and sexual abuse
 3 intervention networks; renumbering s. 985.308,
 4 F.S.; creating s. 985.483, F.S., relating to
 5 intensive residential treatment programs for
 6 juvenile offenders less than 13 years of age;
 7 amending and renumbering a provision of s.
 8 985.03, F.S., that relates to such offenders;
 9 amending and renumbering s. 985.311, F.S.;
 10 revising cross-references to conform; creating
 11 s. 985.486, F.S., relating to the prerequisites
 12 for commitment of juvenile offenders less than
 13 13 years of age to intensive residential
 14 treatment programs; amending and renumbering s.
 15 985.312, F.S.; revising cross-references to
 16 conform; creating s. 985.489, F.S., relating to
 17 boot camp for children; amending and
 18 renumbering s. 985.309, F.S.; revising
 19 cross-references to conform; creating s.
 20 985.494, F.S., relating to commitment programs
 21 for juvenile felony offenders; amending and
 22 renumbering s. 985.314, F.S.; revising
 23 cross-references to conform; creating s.
 24 985.511, F.S., relating to the child's right to
 25 counsel and the cost of representation;
 26 amending and renumbering a provision of s.
 27 985.41, F.S., that relates to such rights and
 28 costs; amending and renumbering a provision of
 29 s. 985.2155, F.S., as amended by ch. 2003-402,
 30 Laws of Florida, that relates to such rights
 31 and costs; creating s. 985.512, F.S., relating

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1 to the powers of the court with respect to
2 certain children; renumbering s. 985.204, F.S.;
3 creating s. 985.513, F.S., relating to the
4 powers of the court over parents or guardians
5 at disposition of the child's case; amending
6 and redesignating provisions of s. 985.231,
7 F.S., that relate to such powers; revising
8 cross-references to conform; creating s.
9 985.514, F.S., relating to the responsibilities
10 of the parents or guardians of a child for
11 certain fees related to the cost of care;
12 amending and redesignating a provision of s.
13 985.215, F.S., that relates to such
14 responsibilities; revising a cross-reference to
15 conform; amending and redesignating a provision
16 of s. 985.231, F.S., that relates to such
17 responsibilities; revising a cross-reference to
18 conform; amending and redesignating a provision
19 of s. 985.233, F.S., that relates to such
20 responsibilities; revising a cross-reference to
21 conform; creating s. 985.534, F.S., relating to
22 appeals in juvenile cases; renumbering s.
23 985.234, F.S.; creating s. 985.535, F.S.,
24 relating to time for taking appeal by the
25 state; renumbering s. 985.235, F.S.; creating
26 s. 985.536, F.S., relating to orders or
27 decisions when the state appeals; renumbering
28 s. 985.236, F.S.; creating s. 985.556, F.S.,
29 relating to voluntary and involuntary waivers
30 of juvenile court jurisdiction and hearings for
31 such waivers; amending and renumbering s.

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1 985.226, F.S.; revising cross-references to
 2 conform; creating s. 985.557, F.S., relating to
 3 discretionary and mandatory criteria for the
 4 direct filing of an information against a
 5 juvenile offender in the criminal division of
 6 the circuit court; amending and renumbering s.
 7 985.227, F.S.; revising cross-references to
 8 conform; creating s. 985.56, F.S., relating to
 9 indictment of juvenile offenders; amending and
 10 renumbering s. 985.225, F.S.; revising a
 11 reference and cross-references to conform;
 12 creating s. 985.565, F.S., relating to powers,
 13 procedures, and alternatives available to the
 14 court when sentencing juvenile offenders
 15 prosecuted as adults; amending, renumbering,
 16 and redesignating provisions of s. 985.233,
 17 F.S., that relate to such powers, procedures,
 18 and alternatives; revising cross-references to
 19 conform; creating s. 985.57, F.S., relating to
 20 the transfer of children from the Department of
 21 Corrections to the Department of Juvenile
 22 Justice; renumbering s. 985.417; creating s.
 23 985.601, F.S., relating to administering the
 24 juvenile justice continuum; renumbering
 25 provisions of s. 985.404, F.S., that relate to
 26 such administration; creating s. 985.605, F.S.,
 27 relating to requirements for prevention service
 28 programs; amending and renumbering s. 985.3045,
 29 F.S.; revising cross-references to conform;
 30 creating s. 985.606, F.S., relating to
 31 requirements for agencies and entities

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1 providing prevention services; amending and
 2 renumbering s. 985.3046, F.S.; revising a
 3 cross-reference to conform; creating s. 985.61,
 4 F.S., relating to criteria for early
 5 delinquency intervention programs; renumbering
 6 s. 985.305, F.S.; creating s. 985.614, F.S.,
 7 relating to interagency cooperation for
 8 children who are locked out of their homes;
 9 renumbering s. 985.2066, F.S.; creating s.
 10 985.618, F.S., relating to educational and
 11 career-related programs; amending and
 12 renumbering s. 985.315, F.S.; revising a
 13 cross-reference to conform; creating s.
 14 985.622, F.S., relating to a multiagency plan
 15 for vocational education; renumbering s.
 16 985.3155, F.S.; creating s. 985.625, F.S.,
 17 relating to literacy programs for juvenile
 18 offenders; amending and renumbering s. 985.317,
 19 F.S.; revising a cross-reference to conform;
 20 creating s. 985.629, F.S., relating to
 21 contracts for the transfer of Florida children
 22 in federal custody; renumbering s. 985.419,
 23 F.S.; creating s. 985.632, F.S., relating to
 24 quality assurance and cost-effectiveness;
 25 renumbering s. 985.412, F.S.; creating s.
 26 985.636, F.S., relating to the Office of the
 27 Inspector General within the Department of
 28 Juvenile Justice; renumbering s. 985.42, F.S.;
 29 creating s. 985.64, F.S., relating to the
 30 authority of the Department of Juvenile Justice
 31 to adopt rules; renumbering s. 985.405, F.S.;

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1 creating s. 985.644, F.S., relating to the
2 contracting powers and the personnel standards
3 and screening requirements of the Department of
4 Juvenile Justice; renumbering a provision of s.
5 985.01, F.S., that relates to such powers;
6 renumbering s. 985.407, F.S.; creating s.
7 985.648, F.S., relating to consultants;
8 renumbering s. 985.408, F.S.; creating s.
9 985.652, F.S., relating to participation of
10 certain juvenile programs in the State Risk
11 Management Trust Fund; renumbering s. 985.409,
12 F.S.; creating s. 985.66, F.S., relating to
13 juvenile justice training academies, the
14 Juvenile Justice Standards and Training
15 Commission, and the Juvenile Justice Trust
16 Fund; amending and renumbering s. 985.406,
17 F.S.; revising a cross-reference to conform;
18 creating s. 985.664, F.S., relating to juvenile
19 justice circuit boards and juvenile justice
20 county councils; amending and renumbering s.
21 985.4135, F.S.; revising a cross-reference to
22 conform; creating s. 985.668, F.S., relating to
23 innovation zones; renumbering s. 985.416, F.S.;
24 creating s. 985.672, F.S., relating to
25 direct-support organizations; renumbering s.
26 985.4145, F.S.; creating s. 985.9475, F.S.,
27 relating to community juvenile justice
28 partnership grants; amending and renumbering s.
29 985.415, F.S.; revising cross-references to
30 conform; creating s. 985.68, F.S., relating to
31 the Task Force on Juvenile Sexual Offenders and

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1 their Victims; renumbering s. 985.403, F.S.;

2 creating s. 985.682, F.S., relating to studies

3 and criteria for siting juvenile facilities;

4 amending and renumbering s. 985.41, F.S.;

5 creating s. 985.686, F.S., relating to shared

6 county and state responsibility for juvenile

7 detention; renumbering s. 985.2155, F.S.;

8 creating s. 985.688, F.S., relating to

9 administering county and municipal delinquency

10 programs and facilities; amending and

11 renumbering s. 985.411, F.S.; revising a

12 cross-reference to conform; creating s. 985.69,

13 F.S., relating to one-time startup funding for

14 juvenile justice purposes; renumbering s.

15 985.4075, F.S.; creating s. 985.692, F.S.,

16 relating to the Juvenile Welfare Trust Fund;

17 renumbering s. 985.4041, F.S.; creating s.

18 985.694, F.S., relating to the Juvenile Care

19 and Maintenance Trust Fund; renumbering s.

20 985.4042, F.S.; creating s. 985.701, F.S.,

21 relating to prohibiting sexual misconduct,

22 reporting requirements, and penalties;

23 renumbering s. 985.4045, F.S.; creating s.

24 985.711, F.S., relating to penalties for the

25 introduction, removal, or possession of certain

26 articles; renumbering s. 985.4046, F.S.;

27 creating s. 985.721, F.S., relating to escapes

28 from secure detention or residential commitment

29 facilities; amending and renumbering s.

30 985.3141, F.S.; revising a cross-reference to

31 conform; creating s. 985.731, F.S., relating to

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1 sheltering or aiding unmarried minors;
2 renumbering s. 985.2065, F.S.; creating s.
3 985.801, F.S., relating to legislative
4 findings, policy, and implementation of the
5 Interstate Compact on Juveniles; renumbering s.
6 985.501, F.S.; creating s. 985.802, F.S.,
7 relating to execution of the interstate
8 compact; renumbering s. 985.502, F.S.; creating
9 s. 985.803, F.S., relating to the administrator
10 of the juvenile compact; renumbering s.
11 985.503, F.S.; creating s. 985.804, F.S.,
12 relating to supplementary agreements to the
13 compact; renumbering s. 985.504, F.S.; creating
14 s. 985.805, F.S., relating to financial
15 arrangements related to the compact;
16 renumbering s. 985.505, F.S.; creating s.
17 985.806, F.S., relating to the responsibilities
18 of state departments, agencies, and officers;
19 renumbering s. 985.506, F.S.; creating s.
20 985.807, F.S., relating to procedures in
21 addition to those provided under the compact;
22 renumbering s. 985.507, F.S.; repealing ss.
23 985.215(6), 985.231(1)(b), (c), (f), and (i),
24 and (2) and 985.233(4)(d), F.S.; amending ss.
25 29.004, 29.008, 253.025, 318.21, 397.334,
26 400.953, 419.001, 435.04, 784.075, 790.115,
27 790.22, 921.0022, 938.10, 943.053, 943.0582,
28 943.0585, 943.059, 948.51, 958.046, 960.001,
29 984.03, 984.05, 984.09, 984.226, 1003.52,
30 1006.08, 1006.13, and 1012.797, F.S.;
31 conforming cross-references; providing an

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1 effective date.

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3 WHEREAS, the Legislature recognizes that chapter 985,
4 Florida Statutes, entitled "DELINQUENCY; INTERSTATE COMPACT ON
5 JUVENILES," which sets forth the policies and procedures
6 applicable to Florida's juvenile justice system, has become
7 disjointed and unorganized due to numerous amendments since
8 its original enactment and that, as a result, it is difficult
9 for judges, attorneys, affected parties, and the public to use
10 the chapter in practice, and

11 WHEREAS, the Legislature recognizes that chapter 985,
12 Florida Statutes, would be better organized and easier to use
13 if it provided a chronological presentation of delinquency
14 proceedings from the introduction of the child into the
15 juvenile justice system to the child's case outcome and if
16 each section of the chapter was topically organized to contain
17 all related policies and procedures, and

18 WHEREAS, the Legislature intends for the following
19 legislation to strictly effect a technical reorganization of
20 chapter 985, Florida Statutes, without any substantive change
21 to its contents, for the purpose of simplifying the chapter's
22 presentation and providing greater clarity for its users, NOW,
23 THEREFORE,

24

25 Be It Enacted by the Legislature of the State of Florida:

26

27 Section 1. The provisions of chapter 985, Florida
28 Statutes, are substantially reorganized and renumbered or
29 redesignated as follows:

30 (1) Chapter 985, Florida Statutes, is retitled

31 "JUVENILE JUSTICE; INTERSTATE COMPACT ON JUVENILES."

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- 1 (2) Part I of chapter 985, Florida Statutes,
2 consisting of sections 985.01, 985.02, 985.03, 985.0301,
3 985.032, 985.033, 985.035, 985.036, 985.037, and 985.039,
4 Florida Statutes, is to be titled "GENERAL PROVISIONS."
- 5 (3) Part II of chapter 985, Florida Statutes,
6 consisting of sections 985.04, 985.045, 985.046, and 985.047,
7 Florida Statutes, is retitled "RECORDS AND INFORMATION."
- 8 (4) Part III of chapter 985, Florida Statutes,
9 consisting of sections 985.101, 985.105, 985.11, 985.115,
10 985.12, 985.125, 985.13, 985.135, 985.14, 985.145, 985.15,
11 985.155, and 985.16, Florida Statutes, is retitled "CUSTODY
12 AND INTAKE; INTERVENTION AND DIVERSION."
- 13 (5) Part IV of chapter 985, Florida Statutes,
14 consisting of sections 985.18, 985.185, 985.19, and 985.195,
15 Florida Statutes, is retitled "EXAMINATIONS AND EVALUATIONS."
- 16 (6) Part V of chapter 985, Florida Statutes,
17 consisting of sections 985.24, 985.245, 985.25, 985.255,
18 985.26, 985.265, 985.27, and 985.275, Florida Statutes, is
19 retitled "DETENTION."
- 20 (7) Part VI of chapter 985, Florida Statutes,
21 consisting of sections 985.318, 985.319, 985.325, 985.331,
22 985.335, 985.345, and 985.35, Florida Statutes, is created and
23 entitled "PETITION, ARRAIGNMENT, AND ADJUDICATION."
- 24 (8) Part VII of chapter 985, Florida Statutes,
25 consisting of sections 985.43, 985.433, 985.435, 985.437,
26 985.439, 985.441, 985.442, 985.445, 985.45, 985.455, 985.46,
27 985.465, 985.47, 985.475, 985.48, 985.483, 985.486, 985.489,
28 and 985.494, Florida Statutes, is created and entitled
29 "DISPOSITION; POSTDISPOSITION."
- 30 (9) Part VIII of chapter 985, Florida Statutes,
31 consisting of sections 985.511, 985.512, 985.513, and 985.514,

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Florida Statutes, is created and entitled "AUTHORITY OF THE COURT OVER PARENTS OR GUARDIANS."

(10) Part IX of chapter 985, Florida Statutes, consisting of sections 985.534, 985.535, and 985.536, Florida Statutes, is created and entitled "APPEAL."

(11) Part X of chapter 985, Florida Statutes, consisting of sections 985.556, 985.557, 985.56, 985.565, and 985.57, Florida Statutes, is created and entitled "TRANSFER TO ADULT COURT."

(12) Part XI of chapter 985, Florida Statutes, consisting of sections 985.601, 985.605, 985.606, 985.61, 985.614, 985.618, 985.622, 985.625, 985.629, 985.632, 985.636, 985.64, 985.644, 985.648, 985.652, 985.66, 985.664, 985.668, 985.672, 985.9475, 985.68, 985.682, 985.686, 985.688, 985.69, 985.692, and 985.694, Florida Statutes, is created and entitled "DEPARTMENT OF JUVENILE JUSTICE."

(13) Part XII of chapter 985, Florida Statutes, consisting of sections 985.701, 985.711, 985.721, and 985.731, Florida Statutes, is created and entitled "MISCELLANEOUS OFFENSES."

(14) Part XIII of chapter 985, Florida Statutes, consisting of sections 985.801, 985.802, 985.803, 985.804, 985.805, 985.806, and 985.807, Florida Statutes, is created and entitled "INTERSTATE COMPACT ON JUVENILES."

Section 2. Paragraph (f) of subsection (1) and subsection (3) of section 985.01, Florida Statutes, are amended to read:

985.01 Purposes and intent; ~~personnel standards and screening.~~--

(1) The purposes of this chapter are:

(f) To provide children committed to the department of

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1 ~~Juvenile Justice~~ with training in life skills, including
2 career education.

3 ~~(2)(3)~~ It is the intent of the Legislature that this
4 chapter be liberally interpreted and construed in conformity
5 with its declared purposes.

6 Section 3. Paragraph (a) of subsection (4) of section
7 985.02, Florida Statutes, is amended to read:

8 985.02 Legislative intent for the juvenile justice
9 system.--

10 (4) DETENTION.--

11 (a) The Legislature finds that there is a need for a
12 secure placement for certain children alleged to have
13 committed a delinquent act. The Legislature finds that
14 detention ~~under part H~~ should be used only when less
15 restrictive interim placement alternatives prior to
16 adjudication and disposition are not appropriate. The
17 Legislature further finds that decisions to detain should be
18 based in part on a prudent assessment of risk and be limited
19 to situations where there is clear and convincing evidence
20 that a child presents a risk of failing to appear or presents
21 a substantial risk of inflicting bodily harm on others as
22 evidenced by recent behavior; presents a history of committing
23 a serious property offense prior to adjudication, disposition,
24 or placement; has acted in direct or indirect contempt of
25 court; or requests protection from imminent bodily harm.

26 Section 4. Subsections (1) through (6), (8) through
27 (30), (32) through (47), and (49) through (59) of section
28 985.03, Florida Statutes, are renumbered, respectively, as
29 subsections (1) through (6), (7) through (29), (30) through
30 (45), and (46) through (56) and subsections (2), (9), (15),
31 (20), (21), (45), and (59) of that section are amended, to

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1 read:

2 985.03 Definitions.--When used in this chapter, the
3 term:

4 (2) "Adjudicatory hearing" means a hearing for the
5 court to determine whether or not the facts support the
6 allegations stated in the petition, as is provided for under
7 s. 985.35 ~~985.228~~ in delinquency cases.

8 ~~(8)(9)~~ "Child who has been found to have committed a
9 delinquent act" means a child who, under ~~pursuant to the~~
10 ~~provisions of this chapter~~, is found by a court to have
11 committed a violation of law or to be in direct or indirect
12 contempt of court, except that this definition shall not
13 include an act constituting contempt of court arising out of a
14 dependency proceeding or a proceeding concerning a child or
15 family in need of services ~~pursuant to part III of this~~
16 ~~chapter~~.

17 ~~(14)(15)~~(a) "Delinquency program" means any intake,
18 probation, or similar program; regional detention center or
19 facility; or community-based program, whether owned and
20 operated by or contracted by the department ~~of Juvenile~~
21 ~~Justice~~, or institution owned and operated by or contracted by
22 the department ~~of Juvenile Justice~~, that ~~which~~ provides
23 intake, supervision, or custody and care of children who are
24 alleged to be or who have been found to be delinquent under
25 this chapter ~~pursuant to part II~~.

26 (b) "Delinquency program staff" means supervisory and
27 direct care staff of a delinquency program as well as support
28 staff who have direct contact with children in a delinquency
29 program.

30 (c) "Delinquency prevention programs" means programs
31 designed for the purpose of reducing the occurrence of

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1 delinquency, including youth and street gang activity, and
2 juvenile arrests. The term excludes arbitration, diversionary
3 or mediation programs, and community service work or other
4 treatment available subsequent to a child committing a
5 delinquent act.

6 ~~(19)(20)~~ "Detention hearing" means a hearing for the
7 court to determine if a child should be placed in temporary
8 custody, as provided for under part V ss. 985.213 and 985.215
9 in delinquency cases.

10 ~~(20)(21)~~ "Disposition hearing" means a hearing in
11 which the court determines the most appropriate dispositional
12 services in the least restrictive available setting provided
13 for under part VII s. 985.231, in delinquency cases.

14 ~~(43)(45)~~ "Residential commitment level" means the
15 level of security provided by programs that service the
16 supervision, custody, care, and treatment needs of committed
17 children. Sections 985.721 985.3141 and 985.601(10)
18 ~~985.404(11)~~ apply to children placed in programs at any
19 residential commitment level. The levels of residential
20 commitment are as follows:

21 (a) Low-risk residential.--Programs or program models
22 at this commitment level are residential but may allow youth
23 to have unsupervised access to the community. Youth assessed
24 and classified for placement in programs at this commitment
25 level represent a low risk to themselves and public safety but
26 do require placement and services in residential settings.
27 Children who have been found to have committed delinquent acts
28 that involve firearms, delinquent acts that are sexual
29 offenses, or delinquent acts that would be life felonies or
30 first degree felonies if committed by an adult shall not be
31 committed to a program at this level.

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1 (b) Moderate-risk residential.--Programs or program
2 models at this commitment level are residential but may allow
3 youth to have supervised access to the community. Facilities
4 are either environmentally secure, staff secure, or are
5 hardware-secure with walls, fencing, or locking doors.
6 Facilities shall provide 24-hour awake supervision, custody,
7 care, and treatment of residents. Youth assessed and
8 classified for placement in programs at this commitment level
9 represent a moderate risk to public safety and require close
10 supervision. The staff at a facility at this commitment level
11 may seclude a child who is a physical threat to himself or
12 herself or others. Mechanical restraint may also be used when
13 necessary.

14 (c) High-risk residential.--Programs or program models
15 at this commitment level are residential and shall not allow
16 youth to have access to the community. Facilities are
17 hardware-secure with perimeter fencing and locking doors.
18 Facilities shall provide 24-hour awake supervision, custody,
19 care, and treatment of residents. Youth assessed and
20 classified for this level of placement require close
21 supervision in a structured residential setting. Placement in
22 programs at this level is prompted by a concern for public
23 safety that outweighs placement in programs at lower
24 commitment levels. The staff at a facility at this commitment
25 level may seclude a child who is a physical threat to himself
26 or herself or others. Mechanical restraint may also be used
27 when necessary. The facility may provide for single cell
28 occupancy.

29 (d) Maximum-risk residential.--Programs or program
30 models at this commitment level include juvenile correctional
31 facilities and juvenile prisons. The programs are long-term

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1 residential and shall not allow youth to have access to the
2 community. Facilities are maximum-custody hardware-secure with
3 perimeter security fencing and locking doors. Facilities shall
4 provide 24-hour awake supervision, custody, care, and
5 treatment of residents. The staff at a facility at this
6 commitment level may seclude a child who is a physical threat
7 to himself or herself or others. Mechanical restraint may also
8 be used when necessary. The facility shall provide for single
9 cell occupancy, except that youth may be housed together
10 during prerelease transition. Youth assessed and classified
11 for this level of placement require close supervision in a
12 maximum security residential setting. Placement in a program
13 at this level is prompted by a demonstrated need to protect
14 the public.

15 ~~(56)(59)~~ "Waiver hearing" means a hearing provided for
16 under s. 985.556(4) ~~985.226(3)~~.

17 Section 5. Section 985.201, Florida Statutes, is
18 amended and renumbered as section 985.0301, Florida Statutes,
19 and subsection (8) of section 985.219, Florida Statutes, is
20 amended and renumbered as subsection (2) of section 985.0301,
21 Florida Statutes, to read:

22 985.0301 ~~985.201~~ Jurisdiction.--

23 (1) The circuit court has exclusive original
24 jurisdiction of proceedings in which a child is alleged to
25 have committed a delinquent act or violation of law.

26 ~~(2)(8)~~ The jurisdiction of the court shall attach to
27 the child and the case when the summons is served upon the
28 child and a parent or legal or actual custodian or guardian of
29 the child, or when the child is taken into custody with or
30 without service of summons and before or after the filing of a
31 petition, whichever first occurs, and thereafter the court may

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1 control the child and the case in accordance with this chapter
2 ~~part~~.

3 ~~(3)(2)~~ During the prosecution of any violation of law
4 against any person who has been presumed to be an adult, if it
5 is shown that the person was a child at the time the offense
6 was committed and that the person does not meet the criteria
7 for prosecution and sentencing as an adult, the court shall
8 immediately transfer the case, together with the physical
9 custody of the person and all physical evidence, papers,
10 documents, and testimony, original and duplicate, connected
11 therewith, to the appropriate court for proceedings under this
12 chapter. The circuit court is exclusively authorized to assume
13 jurisdiction over any juvenile offender who is arrested and
14 charged with violating a federal law or a law of the District
15 of Columbia, who is found or is living or domiciled in a
16 county in which the circuit court is established, and who is
17 surrendered to the circuit court as provided in 18 U.S.C. s.
18 5001.

19 ~~(4)(3)~~(a) Petitions alleging delinquency ~~filed under~~
20 ~~this part~~ shall be filed in the county where the delinquent
21 act or violation of law occurred, but the circuit court for
22 that county may transfer the case to the circuit court of the
23 circuit in which the child resides or will reside at the time
24 of detention or placement for dispositional purposes. A child
25 who has been detained shall be transferred to the appropriate
26 detention center or facility or other placement directed by
27 the receiving court.

28 (b) The jurisdiction to be exercised by the court when
29 a child is taken into custody before the filing of a petition
30 under subsection (2) ~~s. 985.219(8)~~ shall be exercised by the
31 circuit court for the county in which the child is taken into

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1 custody, which court shall have personal jurisdiction of the
2 child and the child's parent or legal guardian. Upon the
3 filing of a petition in the appropriate circuit court, the
4 court that is exercising initial jurisdiction of the person of
5 the child shall, if the child has been detained, immediately
6 order the child to be transferred to the detention center or
7 facility or other placement as ordered by the court having
8 subject matter jurisdiction of the case.

9 (5)(4)(a) Notwithstanding ss. 743.07, 985.43 985.229,
10 985.433 985.23, 985.435, 985.439, and 985.441 985.231, and
11 except as provided in ss. 985.465 and 985.47 985.31 and
12 paragraph (f) 985.313, when the jurisdiction of any child who
13 is alleged to have committed a delinquent act or violation of
14 law is obtained, the court shall retain jurisdiction, unless
15 relinquished by its order, until the child reaches 19 years of
16 age, with the same power over the child that the court had
17 prior to the child becoming an adult.

18 (b) Notwithstanding ss. 743.07 and 985.455(3), and
19 except as provided in s. 985.47, the term of any order placing
20 a child in a probation program must be until the child's 19th
21 birthday unless he or she is released by the court on the
22 motion of an interested party or on his or her own motion.

23 (c) Notwithstanding ss. 743.07 and 985.455(3), and
24 except as provided in s. 985.47, the term of the commitment
25 must be until the child is discharged by the department or
26 until he or she reaches the age of 21 years. Notwithstanding
27 ss. 743.07, 985.435, 985.437, 985.439, 985.441, 985.445,
28 985.455, and 985.513 and except as provided in this section
29 and s. 985.47, a child may not be held under a commitment from
30 a court under s. 985.439, s. 985.441(1)(a) or (b), s. 985.445,
31 or s. 985.455 after becoming 21 years of age.

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1 ~~(d)(b)1.~~ The court may retain jurisdiction over a
2 child committed to the department for placement in a juvenile
3 prison or in a high-risk or maximum-risk residential
4 commitment program to allow the child to participate in a
5 juvenile conditional release program pursuant to s. 985.46
6 ~~985.316~~. In no case shall the jurisdiction of the court be
7 retained beyond the child's 22nd birthday. However, if the
8 child is not successful in the conditional release program,
9 the department may use the transfer procedure under s.
10 985.441(3) ~~985.404~~.

11 ~~(e)2.~~ The court may retain jurisdiction over a child
12 committed to the department for placement in an intensive
13 residential treatment program for 10-year-old to 13-year-old
14 offenders, in the residential commitment program in a juvenile
15 prison, in a residential sex offender program, or in a program
16 for serious or habitual juvenile offenders as provided in s.
17 985.47 ~~985.311~~ or s. 985.483 ~~985.31~~ until the child reaches
18 the age of 21. If the court exercises this jurisdiction
19 retention, it shall do so solely for the purpose of the child
20 completing the intensive residential treatment program for
21 10-year-old to 13-year-old offenders, in the residential
22 commitment program in a juvenile prison, in a residential sex
23 offender program, or the program for serious or habitual
24 juvenile offenders. Such jurisdiction retention does not apply
25 for other programs, other purposes, or new offenses.

26 (f) The court may retain jurisdiction over a child
27 committed to a juvenile correctional facility or a juvenile
28 prison until the child reaches the age of 21 years,
29 specifically for the purpose of allowing the child to complete
30 such program.

31 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a

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serious or habitual juvenile offender shall not be held under commitment from a court under s. 985.47, s. 985.441(1)(c), or s. 985.565 after becoming 21 years of age. This subparagraph shall apply only for the purpose of completing the serious or habitual juvenile offender program under this chapter and shall be used solely for the purpose of treatment.

2. The court may retain jurisdiction over a child who has been placed in a program or facility for serious or habitual juvenile offenders until the child reaches the age of 21, specifically for the purpose of the child completing the program.

(h) The court may retain jurisdiction over a juvenile sexual offender who has been placed in a program or facility for juvenile sexual offenders until the juvenile sexual offender reaches the age of 21, specifically for the purpose of completing the program.

(i)(c) The court may retain jurisdiction over a child and the child's parent or legal guardian whom the court has ordered to pay restitution until the restitution order is satisfied or until the court orders otherwise. If the court retains such jurisdiction after the date upon which the court's jurisdiction would cease under this section, it shall do so solely for the purpose of enforcing the restitution order. The terms of the restitution order are subject to the provisions of s. 775.089(5).

(j)(d) This subsection does not prevent the exercise of jurisdiction by any court having jurisdiction of the child if the child, after becoming an adult, commits a violation of law.

(6) The court may at any time enter an order ending its jurisdiction over any child.

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Section 6. Section 985.202, Florida Statutes, is
renumbered as section 985.032, Florida Statutes.

Section 7. Section 985.203, Florida Statutes, is
renumbered as section 985.033, Florida Statutes, subsections
(2) through (4) are redesignated subsections (3) through (5),
subsection (1) of that section is amended, and a new
subsection (2) is added to read:

985.033 ~~985.203~~ Right to counsel.--

(1) A child is entitled to representation by legal
counsel at all stages of any delinquency court proceedings
under this chapter ~~part~~. If the child and the parents or other
legal guardian are indigent and unable to employ counsel for
the child, the court shall appoint counsel under ~~pursuant to~~
s. 27.52. Determination of indigence and costs of
representation shall be as provided by ss. 27.52 and 938.29.
Legal counsel representing a child who exercises the right to
counsel shall be allowed to provide advice and counsel to the
child at any time subsequent to the child's arrest, including
prior to a detention hearing while in secure detention care. A
child shall be represented by legal counsel at all stages of
all court proceedings unless the right to counsel is freely,
knowingly, and intelligently waived by the child. If the child
appears without counsel, the court shall advise the child of
his or her rights with respect to representation of
court-appointed counsel.

(2) This section does not apply to transfer
proceedings under s. 985.441(3), unless the court sets a
hearing to review the transfer.

Section 8. Section 985.205, Florida Statutes, is
renumbered as section 985.035, Florida Statutes.

Section 9. Section 985.206, Florida Statutes, is

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1 renumbered as section 985.036, Florida Statutes, and amended
2 to read:

3 985.036 ~~985.206~~ Rights of victims; juvenile
4 proceedings.--

5 (1) Nothing in this chapter prohibits:

6 (a)~~(1)~~ The victim of the offense;

7 (b)~~(2)~~ The victim's parent or guardian if the victim
8 is a minor;

9 (c)~~(3)~~ The lawful representative of the victim or of
10 the victim's parent or guardian if the victim is a minor; or

11 (d)~~(4)~~ The next of kin if the victim is a homicide
12 victim,

13
14 from the right to be informed of, to be present during, and to
15 be heard when relevant at, all crucial stages of the
16 proceedings involving the juvenile offender, to the extent
17 that such rights do not interfere with the constitutional
18 rights of the juvenile offender. A person enumerated in this
19 section may not reveal to any outside party any confidential
20 information obtained under ~~pursuant to~~ this paragraph
21 regarding a case involving a juvenile offense, except as is
22 reasonably necessary to pursue legal remedies.

23 (2) A law enforcement agency may release a copy of the
24 juvenile offense report to the victim of the offense. However,
25 information gained by the victim under this chapter, including
26 the next of kin of a homicide victim, regarding any case
27 handled in juvenile court must not be revealed to any outside
28 party except as is reasonably necessary in pursuit of legal
29 remedies.

30 Section 10. Section 985.216, Florida Statutes, is
31 renumbered as section 985.037, Florida Statutes, and

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subsection (2) and paragraphs (b) and (d) of subsection (4) of that section are amended to read:

985.037 ~~985.216~~ Punishment for contempt of court; alternative sanctions.--

(2) PLACEMENT IN A SECURE FACILITY.--A child may be placed in a secure facility for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

~~(a)~~ A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility not to exceed 5 days for a first offense and not to exceed 15 days for a second or subsequent offense.

~~(b) A child in need of services who has been held in direct contempt or indirect contempt may be placed, not to exceed 5 days for a first offense and not to exceed 15 days for a second or subsequent offense, in a staff-secure shelter or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment. In addition to disposition under this paragraph, a child in need of services who is held in direct contempt or indirect contempt may be placed in a physically secure facility as provided under s. 984.226 if conditions of eligibility are met.~~

(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.--

(b) If a child is charged with indirect contempt of court, the court must hold a hearing within 24 hours to

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1 determine whether the child committed indirect contempt of a
2 valid court order. At the hearing, the following due process
3 rights must be provided to the child:

4 1. Right to a copy of the order to show cause alleging
5 facts supporting the contempt charge.

6 2. Right to an explanation of the nature and the
7 consequences of the proceedings.

8 3. Right to legal counsel and the right to have legal
9 counsel appointed by the court if the juvenile is indigent,
10 under ~~pursuant to s. 985.033~~ ~~985.203~~.

11 4. Right to confront witnesses.

12 5. Right to present witnesses.

13 6. Right to have a transcript or record of the
14 proceeding.

15 7. Right to appeal to an appropriate court.

16

17 The child's parent or guardian may address the court regarding
18 the due process rights of the child. The court shall review
19 the placement of the child every 72 hours to determine whether
20 it is appropriate for the child to remain in the facility.

21 (d) In addition to any other sanction imposed under
22 this section, the court may direct the Department of Highway
23 Safety and Motor Vehicles to withhold issuance of, or suspend,
24 a child's driver's license or driving privilege. The court may
25 order that a child's driver's license or driving privilege be
26 withheld or suspended for up to 1 year for a first offense of
27 contempt and up to 2 years for a second or subsequent offense.
28 If the child's driver's license or driving privilege is
29 suspended or revoked for any reason at the time the sanction
30 for contempt is imposed, the court shall extend the period of
31 suspension or revocation by the additional period ordered

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1 under this paragraph. If the child's driver's license is being
2 withheld at the time the sanction for contempt is imposed, the
3 period of suspension or revocation ordered under this
4 paragraph shall begin on the date on which the child is
5 otherwise eligible to drive. ~~For a child in need of services~~
6 ~~whose driver's license or driving privilege is suspended under~~
7 ~~this paragraph, the court may direct the Department of Highway~~
8 ~~Safety and Motor Vehicles to issue the child a license for~~
9 ~~driving privileges restricted to business or employment~~
10 ~~purposes only, as defined in s. 322.271, or for the purpose of~~
11 ~~completing court-ordered community service, if the child is~~
12 ~~otherwise qualified for a license. However, the department may~~
13 ~~not issue a restricted license unless specifically ordered to~~
14 ~~do so by the court.~~

15 Section 11. Section 985.2311, Florida Statutes, is
16 renumbered as section 985.039, Florida Statutes.

17 Section 12. Section 985.04, Florida Statutes, is
18 amended to read:

19 985.04 Oaths; records; confidential information.--

20 (1)(3)(a) Except as provided in subsections (2), (3)
21 ~~(4), (5), and (6), and (7)~~ and s. 943.053, all information
22 obtained under this chapter ~~part~~ in the discharge of official
23 duty by any judge, any employee of the court, any authorized
24 agent of the department ~~of Juvenile Justice~~, the Parole
25 Commission, the Department of Corrections, the juvenile
26 justice circuit boards, any law enforcement agent, or any
27 licensed professional or licensed community agency
28 representative participating in the assessment or treatment of
29 a juvenile is confidential and may be disclosed only to the
30 authorized personnel of the court, the department ~~of Juvenile~~
31 ~~Justice~~ and its designees, the Department of Corrections, the

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1 Parole Commission, law enforcement agents, school
2 superintendents and their designees, any licensed professional
3 or licensed community agency representative participating in
4 the assessment or treatment of a juvenile, and others entitled
5 under this chapter to receive that information, or upon order
6 of the court. Within each county, the sheriff, the chiefs of
7 police, the district school superintendent, and the department
8 shall enter into an interagency agreement for the purpose of
9 sharing information about juvenile offenders among all
10 parties. The agreement must specify the conditions under which
11 summary criminal history information is to be made available
12 to appropriate school personnel, and the conditions under
13 which school records are to be made available to appropriate
14 department personnel. Such agreement shall require
15 notification to any classroom teacher of assignment to the
16 teacher's classroom of a juvenile who has been placed in a
17 probation or commitment program for a felony offense. The
18 agencies entering into such agreement must comply with s.
19 943.0525, and must maintain the confidentiality of information
20 that is otherwise exempt from s. 119.07(1), as provided by
21 law.

22 (2)(5) Notwithstanding any other provisions of this
23 chapter part, the name, photograph, address, and crime or
24 arrest report of a child:

25 (a) Taken into custody if the child has been taken
26 into custody by a law enforcement officer for a violation of
27 law which, if committed by an adult, would be a felony;

28 (b) Found by a court to have committed three or more
29 violations of law which, if committed by an adult, would be
30 misdemeanors;

31 (c) Transferred to the adult system under ~~pursuant to~~

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1 s. 985.557 ~~985.227~~, indicted under ~~pursuant to~~ s. 985.56
2 ~~985.225~~, or waived under ~~pursuant to~~ s. 985.556 ~~985.226~~;

3 (d) Taken into custody by a law enforcement officer
4 for a violation of law subject to ~~the provisions of~~ s. 985.557
5 ~~985.227~~(2)(b) or (d); or

6 (e) Transferred to the adult system but sentenced to
7 the juvenile system under ~~pursuant to~~ s. 985.565 ~~985.233~~

8
9 shall not be considered confidential and exempt from ~~the~~
10 ~~provisions of~~ s. 119.07(1) solely because of the child's age.

11 ~~(3)(6)~~ A law enforcement agency may release a copy
12 ~~This part does not prohibit the release of the juvenile~~
13 ~~offense report by a law enforcement agency to the victim of~~
14 ~~the offense. However, information gained by the victim~~ under
15 ~~pursuant to~~ this chapter, including the next of kin of a
16 homicide victim, regarding any case handled in juvenile court,
17 must not be revealed to any outside party, except as is
18 reasonably necessary in pursuit of legal remedies.

19 ~~(4)(7)~~(a) Notwithstanding any other provision of this
20 section, when a child of any age is taken into custody by a
21 law enforcement officer for an offense that would have been a
22 felony if committed by an adult, or a crime of violence, the
23 law enforcement agency must notify the superintendent of
24 schools that the child is alleged to have committed the
25 delinquent act.

26 (b) Notwithstanding paragraph (a) or any other
27 provision of this section, when a child of any age is formally
28 charged by a state attorney with a felony or a delinquent act
29 that would be a felony if committed by an adult, the state
30 attorney shall notify the superintendent of the child's school
31 that the child has been charged with such felony or delinquent

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1 act. The information obtained by the superintendent of schools
2 ~~under pursuant to~~ this section must be released within 48
3 hours after receipt to appropriate school personnel, including
4 the principal of the school of the child. The principal must
5 immediately notify the child's immediate classroom teachers.
6 Upon notification, the principal is authorized to begin
7 disciplinary actions ~~under pursuant to~~ s. 1006.09(1)-(4).

8 ~~(c)(b)~~ The department shall disclose to the school
9 superintendent the presence of any child in the care and
10 custody or under the jurisdiction or supervision of the
11 department who has a known history of criminal sexual behavior
12 with other juveniles; is an alleged juvenile sexual ~~sex~~
13 offender, as defined in s. 39.01; or has pled guilty or nolo
14 contendere to, or has been found to have committed, a
15 violation of chapter 794, chapter 796, chapter 800, s.
16 827.071, or s. 847.0133, regardless of adjudication. Any
17 employee of a district school board who knowingly and
18 willfully discloses such information to an unauthorized person
19 commits a misdemeanor of the second degree, punishable as
20 provided in s. 775.082 or s. 775.083.

21 ~~(5)(1)~~ Authorized agents of the Department of Juvenile
22 Justice may administer oaths and affirmations.

23 ~~(6)(2)~~ Records maintained by the department ~~of~~
24 ~~Juvenile Justice~~, including copies of records maintained by
25 the court, which pertain to a child found to have committed a
26 delinquent act which, if committed by an adult, would be a
27 crime specified in ss. 435.03 and 435.04 may not be destroyed
28 ~~under pursuant to~~ this section for a period of 25 years after
29 the youth's final referral to the department, except in cases
30 of the death of the child. Such records, however, shall be
31 sealed by the court for use only in meeting the screening

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1 requirements for personnel in s. 402.3055 and the other
2 sections cited above, or under ~~pursuant to~~ departmental rule;
3 however, current criminal history information must be obtained
4 from the Department of Law Enforcement in accordance with s.
5 943.053. The information shall be released to those persons
6 specified in the above cited sections for the purposes of
7 complying with those sections. The court may punish by
8 contempt any person who releases or uses the records for any
9 unauthorized purpose.

10 ~~(7)(4)~~(a) Records in the custody of the department of
11 ~~Juvenile Justice~~ regarding children are not open to inspection
12 by the public. Such records may be inspected only upon order
13 of the Secretary of Juvenile Justice or his or her authorized
14 agent by persons who have sufficient reason and upon such
15 conditions for their use and disposition as the secretary or
16 his or her authorized agent deems proper. The information in
17 such records may be disclosed only to other employees of the
18 department of ~~Juvenile Justice~~ who have a need therefor in
19 order to perform their official duties ~~duty~~; to other persons
20 as authorized by rule of the department of ~~Juvenile Justice~~;
21 and, upon request, to the Department of Corrections. The
22 secretary or his or her authorized agent may permit properly
23 qualified persons to inspect and make abstracts from records
24 for statistical purposes under whatever conditions upon their
25 use and disposition the secretary or his or her authorized
26 agent deems proper, provided adequate assurances are given
27 that children's names and other identifying information will
28 not be disclosed by the applicant.

29 (b) The destruction of records pertaining to children
30 committed to or supervised by the department of ~~Juvenile~~
31 ~~Justice~~ pursuant to a court order, which records are retained

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1 until a child reaches the age of 24 years or until a serious
2 or habitual delinquent child reaches the age of 26 years,
3 shall be subject to chapter 943.

4 (8) Criminal history information made available to
5 governmental agencies by the Department of Law Enforcement or
6 other criminal justice agencies shall not be used for any
7 purpose other than that specified in the provision authorizing
8 the releases.

9 Section 13. Section 985.05, Florida Statutes, is
10 renumbered as section 985.045, Florida Statutes, and amended
11 to read:

12 985.045 ~~985.05~~ Court records.--

13 (1) The clerk of the court shall make and keep records
14 of all cases brought before it under ~~pursuant to~~ this chapter
15 ~~part~~. The court shall preserve the records pertaining to a
16 child charged with committing a delinquent act or violation of
17 law until the child reaches 24 years of age or reaches 26
18 years of age if he or she is a serious or habitual delinquent
19 child, until 5 years after the last entry was made, or until 3
20 years after the death of the child, whichever is earlier, and
21 may then destroy them, except that records made of traffic
22 offenses in which there is no allegation of delinquency may be
23 destroyed as soon as this can be reasonably accomplished. The
24 court shall make official records of all petitions and orders
25 filed in a case arising under ~~pursuant to~~ this chapter ~~part~~
26 and of any other pleadings, certificates, proofs of
27 publication, summonses, warrants, and writs that are filed
28 pursuant to the case.

29 (2) The clerk shall keep all official records required
30 by this section separate from other records of the circuit
31 court, except those records pertaining to motor vehicle

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1 violations, which shall be forwarded to the Department of
2 Highway Safety and Motor Vehicles. Except as provided in ss.
3 943.053 and 985.04(7)(4), official records required by this
4 chapter part are not open to inspection by the public, but may
5 be inspected only upon order of the court by persons deemed by
6 the court to have a proper interest therein, except that a
7 child and the parents, guardians, or legal custodians of the
8 child and their attorneys, law enforcement agencies, the
9 Department of Juvenile Justice and its designees, the Parole
10 Commission, and the Department of Corrections shall always
11 have the right to inspect and copy any official record
12 pertaining to the child. The court may permit authorized
13 representatives of recognized organizations compiling
14 statistics for proper purposes to inspect, and make abstracts
15 from, official records under whatever conditions upon the use
16 and disposition of such records the court may deem proper and
17 may punish by contempt proceedings any violation of those
18 conditions.

19 (3) All orders of the court entered under ~~pursuant to~~
20 this chapter part must be in writing and signed by the judge,
21 except that the clerk or deputy clerk may sign a summons or
22 notice to appear.

23 (4) A court record of proceedings under this chapter
24 ~~part~~ is not admissible in evidence in any other civil or
25 criminal proceeding, except that:

26 (a) Orders transferring a child for trial as an adult
27 are admissible in evidence in the court in which he or she is
28 tried, but create no presumption as to the guilt of the child;
29 nor may such orders be read to, or commented upon in the
30 presence of, the jury in any trial.

31 (b) Orders binding an adult over for trial on a

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1 criminal charge, made by the committing trial court judge, are
2 admissible in evidence in the court to which the adult is
3 bound over.

4 (c) Records of proceedings under this chapter part
5 forming a part of the record on appeal must be used in the
6 appellate court in the manner provided in s. 985.534 ~~985.234~~.

7 (d) Records are admissible in evidence in any case in
8 which a person is being tried upon a charge of having
9 committed perjury, to the extent such records are necessary to
10 prove the charge.

11 (e) Records of proceedings under this chapter part may
12 be used to prove disqualification under ~~pursuant to~~ ss.
13 110.1127, 393.0655, 394.457, 397.451, 402.305, 402.313,
14 409.175, 409.176, and 985.644 ~~985.407~~.

15 Section 14. Sections 985.06 and 985.08, Florida
16 Statutes, are renumbered as sections 985.046 and 985.047,
17 Florida Statutes, respectively.

18 Section 15. Section 985.207, Florida Statutes, is
19 amended and renumbered as section 985.101, Florida Statutes,
20 and subsection (3) of section 985.215, Florida Statutes, is
21 renumbered as subsection (2) of section 985.101, Florida
22 Statutes, and amended to read:

23 985.101 ~~985.207~~ Taking a child into custody.--

24 (1) A child may be taken into custody under the
25 following circumstances:

26 (a) Pursuant to an order of the circuit court issued
27 under this chapter part, based upon sworn testimony, either
28 before or after a petition is filed.

29 (b) For a delinquent act or violation of law, pursuant
30 to Florida law pertaining to a lawful arrest. If such
31 delinquent act or violation of law would be a felony if

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1 committed by an adult or involves a crime of violence, the
2 arresting authority shall immediately notify the district
3 school superintendent, or the superintendent's designee, of
4 the school district with educational jurisdiction of the
5 child. Such notification shall include other education
6 providers such as the Florida School for the Deaf and the
7 Blind, university developmental research schools, and private
8 elementary and secondary schools. The information obtained by
9 the superintendent of schools pursuant to this section must be
10 released within 48 hours after receipt to appropriate school
11 personnel, including the principal of the child's school, or
12 as otherwise provided by law. The principal must immediately
13 notify the child's immediate classroom teachers. Information
14 provided by an arresting authority under ~~pursuant to~~ this
15 paragraph may not be placed in the student's permanent record
16 and shall be removed from all school records no later than 9
17 months after the date of the arrest.

18 (c) By a law enforcement officer for failing to appear
19 at a court hearing after being properly noticed.

20 (d) By a law enforcement officer who has probable
21 cause to believe that the child is in violation of the
22 conditions of the child's probation, home detention,
23 postcommitment probation, or conditional release supervision
24 or has escaped from commitment.

25

26 Nothing in this subsection shall be construed to allow the
27 detention of a child who does not meet the detention criteria
28 in part V ~~s. 985.215~~.

29 ~~(2)(3)~~ Except in emergency situations, a child may not
30 be placed into or transported in any police car or similar
31 vehicle that at the same time contains an adult under arrest,

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1 unless the adult is alleged or believed to be involved in the
2 same offense or transaction as the child.

3 ~~(3)(2)~~ When a child is taken into custody as provided
4 in this section, the person taking the child into custody
5 shall attempt to notify the parent, guardian, or legal
6 custodian of the child. The person taking the child into
7 custody shall continue such attempt until the parent,
8 guardian, or legal custodian of the child is notified or the
9 child is delivered to a juvenile probation officer under ss.

10 985.14 and 985.145 ~~pursuant to s. 985.21~~, whichever occurs
11 first. If the child is delivered to a juvenile probation
12 officer before the parent, guardian, or legal custodian is
13 notified, the juvenile probation officer shall continue the
14 attempt to notify until the parent, guardian, or legal
15 custodian of the child is notified. Following notification,
16 the parent or guardian must provide identifying information,
17 including name, address, date of birth, social security
18 number, and driver's license number or identification card
19 number of the parent or guardian to the person taking the
20 child into custody or the juvenile probation officer.

21 ~~(4)(3)~~ Taking a child into custody is not an arrest
22 except for the purpose of determining whether the taking into
23 custody or the obtaining of any evidence in conjunction
24 therewith is lawful.

25 Section 16. Section 985.2075, Florida Statutes, is
26 renumbered as section 985.105, Florida Statutes.

27 Section 17. Section 985.212, Florida Statutes, is
28 renumbered as section 985.11, Florida Statutes, and paragraph
29 (b) of subsection (1) of that section is amended to read:

30 985.11 ~~985.212~~ Fingerprinting and photographing.--

31 (1)

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(b) A child who is charged with or found to have committed one of the following offenses shall be fingerprinted, and the fingerprints shall be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(b):

1. Assault, as defined in s. 784.011.
2. Battery, as defined in s. 784.03.
3. Carrying a concealed weapon, as defined in s. 790.01(1).
4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).
5. Negligent treatment of children, as defined in former s. 827.05.
6. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a).
7. Open carrying of a weapon, as defined in s. 790.053.
8. Exposure of sexual organs, as defined in s. 800.03.
9. Unlawful possession of a firearm, as defined in s. 790.22(5).
10. Petit theft, as defined in s. 812.014.
11. Cruelty to animals, as defined in s. 828.12(1).
12. Arson, resulting in bodily harm to a firefighter, as defined in s. 806.031(1).
13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property as defined in s. 790.115.

A law enforcement agency may fingerprint and photograph a child taken into custody upon probable cause that such child has committed any other violation of law, as the agency deems

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1 appropriate. Such fingerprint records and photographs shall be
 2 retained by the law enforcement agency in a separate file, and
 3 these records and all copies thereof must be marked "Juvenile
 4 Confidential." These records are not available for public
 5 disclosure and inspection under s. 119.07(1) except as
 6 provided in ss. 943.053 and 985.04(2) ~~985.04(5)~~, but shall be
 7 available to other law enforcement agencies, criminal justice
 8 agencies, state attorneys, the courts, the child, the parents
 9 or legal custodians of the child, their attorneys, and any
 10 other person authorized by the court to have access to such
 11 records. In addition, such records may be submitted to the
 12 Department of Law Enforcement for inclusion in the state
 13 criminal history records and used by criminal justice agencies
 14 for criminal justice purposes. These records may, in the
 15 discretion of the court, be open to inspection by anyone upon
 16 a showing of cause. The fingerprint and photograph records
 17 shall be produced in the court whenever directed by the court.
 18 Any photograph taken pursuant to this section may be shown by
 19 a law enforcement officer to any victim or witness of a crime
 20 for the purpose of identifying the person who committed such
 21 crime.

22 Section 18. Subsections (2) and (5) of section
 23 985.211, Florida Statutes, are renumbered, respectively, as
 24 subsections (2) and (3) of section 985.115, Florida Statutes,
 25 and subsections (1) and (7) of section 985.211, Florida
 26 Statutes, are renumbered, respectively, as subsections (1) and
 27 (4) of section 985.115, Florida Statutes, and amended to read:

28 985.115 ~~985.211~~ Release or delivery from custody.--

29 (1) A child taken into custody shall be released from
 30 custody as soon as is reasonably possible.

31 (2) Unless otherwise ordered by the court under s.

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1 985.255 or s. 985.26 ~~pursuant to s. 985.215~~, and unless there
2 is a need to hold the child, a person taking a child into
3 custody shall attempt to release the child as follows:

4 (a) To the child's parent, guardian, or legal
5 custodian or, if the child's parent, guardian, or legal
6 custodian is unavailable, unwilling, or unable to provide
7 supervision for the child, to any responsible adult. Prior to
8 releasing the child to a responsible adult, other than the
9 parent, guardian, or legal custodian, the person taking the
10 child into custody may conduct a criminal history background
11 check of the person to whom the child is to be released. If
12 the person has a prior felony conviction, or a conviction for
13 child abuse, drug trafficking, or prostitution, that person is
14 not a responsible adult for the purposes of this section. The
15 person to whom the child is released shall agree to inform the
16 department or the person releasing the child of the child's
17 subsequent change of address and to produce the child in court
18 at such time as the court may direct, and the child shall join
19 in the agreement.

20 (b) Contingent upon specific appropriation, to a
21 shelter approved by the department or to an authorized agent
22 under ~~pursuant to~~ s. 39.401(2)(b).

23 (c) If the child is believed to be suffering from a
24 serious physical condition which requires either prompt
25 diagnosis or prompt treatment, to a law enforcement officer
26 who shall deliver the child to a hospital for necessary
27 evaluation and treatment.

28 (d) If the child is believed to be mentally ill as
29 defined in s. 394.463(1), to a law enforcement officer who
30 shall take the child to a designated public receiving facility
31 as defined in s. 394.455 for examination under ~~pursuant to the~~

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1 ~~provisions of~~ s. 394.463.

2 (e) If the child appears to be intoxicated and has
3 threatened, attempted, or inflicted physical harm on himself
4 or herself or another, or is incapacitated by substance abuse,
5 to a law enforcement officer who shall deliver the child to a
6 hospital, addictions receiving facility, or treatment
7 resource.

8 (f) If available, to a juvenile assessment center
9 equipped and staffed to assume custody of the child for the
10 purpose of assessing the needs of the child in custody. The
11 center may then release or deliver the child under ~~pursuant to~~
12 this section with a copy of the assessment.

13 ~~(3)(5)~~ Upon taking a child into custody, a law
14 enforcement officer may deliver the child, for temporary
15 custody not to exceed 6 hours, to a secure booking area of a
16 jail or other facility intended or used for the detention of
17 adults, for the purpose of fingerprinting or photographing the
18 child or awaiting appropriate transport to the department or
19 as provided in s. 985.13(2) ~~subsection (4)~~, provided no
20 regular sight and sound contact between the child and adult
21 inmates or trustees is permitted and the receiving facility
22 has adequate staff to supervise and monitor the child's
23 activities at all times.

24 ~~(4)(7)~~ Nothing in this section or s. 985.13 shall
25 prohibit the proper use of law enforcement diversion programs.
26 Law enforcement agencies may initiate and conduct diversion
27 programs designed to divert a child from the need for
28 department custody or judicial handling. Such programs may be
29 cooperative projects with local community service agencies.

30 Section 19. Section 985.301, Florida Statutes, is
31 renumbered as section 985.12, Florida Statutes, and subsection

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1 (4) of that section is amended to read:

2 985.12 ~~985.301~~ Civil citation.--

3 (4) If the juvenile fails to report timely for a work
4 assignment, complete a work assignment, or comply with
5 assigned intervention services within the prescribed time, or
6 if the juvenile commits a third or subsequent misdemeanor, the
7 law enforcement officer shall issue a report alleging the
8 child has committed a delinquent act, at which point a
9 juvenile probation officer shall perform a preliminary
10 determination as provided under s. 985.145 ~~985.21(4)~~.

11 Section 20. Section 985.3065, Florida Statutes, is
12 renumbered as section 985.125, Florida Statutes.

13 Section 21. Subsections (3), (4), and (6) of section
14 985.211, Florida Statutes, are renumbered as section 985.13,
15 Florida Statutes, and amended to read:

16 985.13 Probable cause affidavits.--

17 ~~(1)(3)~~ If the child is released, the person taking the
18 child into custody shall make a written report or probable
19 cause affidavit to the appropriate juvenile probation officer
20 within 24 hours after such release, stating the facts and the
21 reason for taking the child into custody. Such written report
22 or probable cause affidavit shall:

23 (a) Identify the child, the parents, guardian, or
24 legal custodian, and the person to whom the child was
25 released.

26 (b) Contain sufficient information to establish the
27 jurisdiction of the court and to make a prima facie showing
28 that the child has committed a violation of law or a
29 delinquent act.

30 ~~(2)(4)~~ A person taking a child into custody who
31 determines, under part V ~~pursuant to s. 985.215~~, that the

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1 child should be detained or released to a shelter designated
2 by the department, shall make a reasonable effort to
3 immediately notify the parent, guardian, or legal custodian of
4 the child and shall, without unreasonable delay, deliver the
5 child to the appropriate juvenile probation officer or, if the
6 court has so ordered under ~~pursuant to~~ s. 985.255 or s. 985.26
7 ~~985.215~~, to a detention center or facility. Upon delivery of
8 the child, the person taking the child into custody shall make
9 a written report or probable cause affidavit to the
10 appropriate juvenile probation officer. Such written report or
11 probable cause affidavit must:

12 (a) Identify the child and, if known, the parents,
13 guardian, or legal custodian.

14 (b) Establish that the child was legally taken into
15 custody, with sufficient information to establish the
16 jurisdiction of the court and to make a prima facie showing
17 that the child has committed a violation of law.

18 ~~(3)(6)~~(a) A copy of the probable cause affidavit or
19 written report made by the person taking the child into
20 custody shall be filed, by the law enforcement agency which
21 employs the person making such affidavit or written report,
22 with the clerk of the circuit court for the county in which
23 the child is taken into custody or in which the affidavit or
24 report is made within 24 hours after the affidavit or report
25 is made, excluding Saturdays, Sundays, and legal holidays.
26 Such affidavit or report is a case for the purpose of
27 assigning a uniform case number under ~~pursuant to~~ this
28 subsection.

29 (b) Upon the filing of a copy of a probable cause
30 affidavit or written report by a law enforcement agency with
31 the clerk of the circuit court, the clerk shall immediately

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1 assign a uniform case number to the affidavit or report,
2 forward a copy to the state attorney, and forward a copy to
3 the intake office of the department which serves the county in
4 which the case arose.

5 (c) Each letter of recommendation, written notice,
6 report, or other paper required by law pertaining to the case
7 shall bear the uniform case number of the case, and a copy
8 shall be filed with the clerk of the circuit court by the
9 issuing agency. The issuing agency shall furnish copies to the
10 juvenile probation officer and the state attorney.

11 (d) Upon the filing of a petition based on the
12 allegations of a previously filed probable cause affidavit or
13 written report, the agency filing the petition shall include
14 the appropriate uniform case number on the petition.

15 Section 22. Section 985.209, Florida Statutes, is
16 renumbered as section 985.135, Florida Statutes.

17 Section 23. Subsections (1) and (2) of section 985.21,
18 Florida Statutes, are renumbered as section 985.14, Florida
19 Statutes, and amended to read:

20 985.14 ~~985.21~~ Intake and case management system.--

21 ~~(1)(a) During the intake process, the juvenile~~
22 ~~probation officer shall screen each child or shall cause each~~
23 ~~child to be screened in order to determine:~~

24 ~~1. Appropriateness for release, referral to a~~
25 ~~diversionary program including, but not limited to, a~~
26 ~~teen-court program, referral for community arbitration, or~~
27 ~~referral to some other program or agency for the purpose of~~
28 ~~nonofficial or nonjudicial handling.~~

29 ~~2. The presence of medical, psychiatric,~~
30 ~~psychological, substance abuse, educational, or vocational~~
31 ~~problems, or other conditions that may have caused the child~~

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1 ~~to come to the attention of law enforcement or the Department~~
2 ~~of Juvenile Justice. The child shall also be screened to~~
3 ~~determine whether the child poses a danger to himself or~~
4 ~~herself or others in the community. The results of this~~
5 ~~screening shall be made available to the court and to court~~
6 ~~officers. In cases where such conditions are identified, and a~~
7 ~~nonjudicial handling of the case is chosen, the juvenile~~
8 ~~probation officer shall attempt to refer the child to a~~
9 ~~program or agency, together with all available and relevant~~
10 ~~assessment information concerning the child's precipitating~~
11 ~~condition.~~

12 ~~3.~~ The department ~~of Juvenile Justice~~ shall develop an
13 intake and a case management system whereby a child brought
14 into intake is assigned a juvenile probation officer if the
15 child was not released, referred to a diversionary program,
16 referred for community arbitration, or referred to some other
17 program or agency for the purpose of nonofficial or
18 nonjudicial handling, and shall make every reasonable effort
19 to provide case management services for the child; provided,
20 however, that case management for children committed to
21 residential programs may be transferred as provided in s.
22 985.46 ~~985.316~~.

23 (2) The intake process shall be performed by the
24 department through a case management system. The purpose of
25 the intake process is to assess the child's needs and risks
26 and to determine the most appropriate treatment plan and
27 setting for the child's programmatic needs and risks. The
28 intake process shall result in choosing the most appropriate
29 services through a balancing of the interests and needs of the
30 child with those of the family and the public. The juvenile
31 probation officer is responsible for making informed decisions

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1 and recommendations to other agencies, the state attorney, and
2 the courts so that the child and family may receive the least
3 intrusive service alternative throughout the judicial process.

4 The department shall establish uniform procedures for the
5 juvenile probation officer to provide a preliminary screening
6 of the child and family for substance abuse and mental health
7 services prior to the filing of a petition or as soon as
8 possible thereafter and prior to a disposition hearing.

9 ~~4. In addition to duties specified in other sections~~
10 ~~and through departmental rules, the assigned juvenile~~
11 ~~probation officer shall be responsible for the following:~~

12 ~~a. Ensuring that a risk assessment instrument~~
13 ~~establishing the child's eligibility for detention has been~~
14 ~~accurately completed and that the appropriate recommendation~~
15 ~~was made to the court.~~

16 ~~b. Inquiring as to whether the child understands his~~
17 ~~or her rights to counsel and against self-incrimination.~~

18 ~~c. Performing the preliminary screening and making~~
19 ~~referrals for comprehensive assessment regarding the child's~~
20 ~~need for substance abuse treatment services, mental health~~
21 ~~services, retardation services, literacy services, or other~~
22 ~~educational or treatment services.~~

23 ~~d. Coordinating the multidisciplinary assessment when~~
24 ~~required, which includes the classification and placement~~
25 ~~process that determines the child's priority needs, risk~~
26 ~~classification, and treatment plan. When sufficient evidence~~
27 ~~exists to warrant a comprehensive assessment and the child~~
28 ~~fails to voluntarily participate in the assessment efforts, it~~
29 ~~is the responsibility of the juvenile probation officer to~~
30 ~~inform the court of the need for the assessment and the~~
31 ~~refusal of the child to participate in such assessment. This~~

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1 ~~assessment, classification, and placement process shall~~
2 ~~develop into the predisposition report.~~

3 ~~e. Making recommendations for services and~~
4 ~~facilitating the delivery of those services to the child,~~
5 ~~including any mental health services, educational services,~~
6 ~~family counseling services, family assistance services, and~~
7 ~~substance abuse services. The juvenile probation officer shall~~
8 ~~serve as the primary case manager for the purpose of managing,~~
9 ~~coordinating, and monitoring the services provided to the~~
10 ~~child. Each program administrator within the Department of~~
11 ~~Children and Family Services shall cooperate with the primary~~
12 ~~case manager in carrying out the duties and responsibilities~~
13 ~~described in this section.~~

14

15 ~~The Department of Juvenile Justice shall annually advise the~~
16 ~~Legislature and the Executive Office of the Governor of the~~
17 ~~resources needed in order for the intake and case management~~
18 ~~system to maintain a staff-to-client ratio that is consistent~~
19 ~~with accepted standards and allows the necessary supervision~~
20 ~~and services for each child. The intake process and case~~
21 ~~management system shall provide a comprehensive approach to~~
22 ~~assessing the child's needs, relative risks, and most~~
23 ~~appropriate handling, and shall be based on an individualized~~
24 ~~treatment plan.~~

25 ~~(3)(b)~~ The intake and case management system shall
26 facilitate consistency in the recommended placement of each
27 child, and in the assessment, classification, and placement
28 process, with the following purposes:

29 ~~(a)1-~~ An individualized, multidisciplinary assessment
30 process that identifies the priority needs of each individual
31 child for rehabilitation and treatment and identifies any

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1 needs of the child's parents or guardians for services that
 2 would enhance their ability to provide adequate support,
 3 guidance, and supervision for the child. This process shall
 4 begin with the detention risk assessment instrument and
 5 decision, shall include the intake preliminary screening and
 6 comprehensive assessment for substance abuse treatment
 7 services, mental health services, retardation services,
 8 literacy services, and other educational and treatment
 9 services as components, additional assessment of the child's
 10 treatment needs, and classification regarding the child's
 11 risks to the community and, for a serious or habitual
 12 delinquent child, shall include the assessment for placement
 13 in a serious or habitual delinquent children program under
 14 ~~pursuant to s. 985.47 985.31~~. The completed multidisciplinary
 15 assessment process shall result in the predisposition report.

16 ~~(b)2-~~ A classification system that assigns a relative
 17 risk to the child and the community based upon assessments
 18 including the detention risk assessment results when available
 19 to classify the child's risk as it relates to placement and
 20 supervision alternatives.

21 ~~(c)3-~~ An admissions process that facilitates for each
 22 child the utilization of the treatment plan and setting most
 23 appropriate to meet the child's programmatic needs and provide
 24 the minimum program security needed to ensure public safety.

25 (4) The department shall annually advise the
 26 Legislature and the Executive Office of the Governor of the
 27 resources needed in order for the intake and case management
 28 system to maintain a staff-to-client ratio that is consistent
 29 with accepted standards and allows the necessary supervision
 30 and services for each child. The intake process and case
 31 management system shall provide a comprehensive approach to

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1 assessing the child's needs, relative risks, and most
2 appropriate handling, and shall be based on an individualized
3 treatment plan.

4 ~~(2) The intake process shall be performed by the~~
5 ~~department through a case management system. The purpose of~~
6 ~~the intake process is to assess the child's needs and risks~~
7 ~~and to determine the most appropriate treatment plan and~~
8 ~~setting for the child's programmatic needs and risks. The~~
9 ~~intake process shall result in choosing the most appropriate~~
10 ~~services through a balancing of the interests and needs of the~~
11 ~~child with those of the family and the public. The juvenile~~
12 ~~probation officer is responsible for making informed decisions~~
13 ~~and recommendations to other agencies, the state attorney, and~~
14 ~~the courts so that the child and family may receive the least~~
15 ~~intrusive service alternative throughout the judicial process.~~
16 ~~The department shall establish uniform procedures for the~~
17 ~~juvenile probation officer to provide, prior to the filing of~~
18 ~~a petition or as soon as possible thereafter and prior to a~~
19 ~~disposition hearing, a preliminary screening of the child and~~
20 ~~family for substance abuse and mental health services.~~

21 Section 24. Subsections (3), (4), and (5) of section
22 985.21, Florida Statutes, are renumbered as section 985.145,
23 Florida Statutes, and amended to read:

24 985.145 Responsibilities of juvenile probation officer
25 during intake; screenings and assessments.--

26 (1) The juvenile probation officer shall serve as the
27 primary case manager for the purpose of managing,
28 coordinating, and monitoring the services provided to the
29 child. Each program administrator within the Department of
30 Children and Family Services shall cooperate with the primary
31 case manager in carrying out the duties and responsibilities

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1 described in this section. In addition to duties specified in
2 other sections and through departmental rules, the assigned
3 juvenile probation officer shall be responsible for the
4 following:

5 (a)(3) Reviewing probable cause affidavit.--The
6 juvenile probation officer shall make a preliminary
7 determination as to whether the report, affidavit, or
8 complaint is complete, consulting with the state attorney as
9 may be necessary. A report, affidavit, or complaint alleging
10 that a child has committed a delinquent act or violation of
11 law shall be made to the intake office operating in the county
12 in which the child is found or in which the delinquent act or
13 violation of law occurred. Any person or agency having
14 knowledge of the facts may make such a written report,
15 affidavit, or complaint and shall furnish to the intake office
16 facts sufficient to establish the jurisdiction of the court
17 and to support a finding by the court that the child has
18 committed a delinquent act or violation of law.

19 (b)(4) Notification concerning apparent
20 insufficiencies in probable cause affidavit.--The juvenile
21 probation officer shall make a preliminary determination as to
22 whether the report, affidavit, or complaint is complete,
23 consulting with the state attorney as may be necessary. In any
24 case where the juvenile probation officer or the state
25 attorney finds that the report, affidavit, or complaint is
26 insufficient by the standards for a probable cause affidavit,
27 the juvenile probation officer or state attorney shall return
28 the report, affidavit, or complaint, without delay, to the
29 person or agency originating the report, affidavit, or
30 complaint or having knowledge of the facts or to the

31 appropriate law enforcement agency having investigative

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jurisdiction of the offense, and shall request, and the person or agency shall promptly furnish, additional information in order to comply with the standards for a probable cause affidavit.

(c) Screening.--During the intake process, the juvenile probation officer shall screen each child or shall cause each child to be screened in order to determine:

1. Appropriateness for release, referral to a diversionary program, including, but not limited to, a teen court program, referral for community arbitration, or referral to some other program or agency for the purpose of nonofficial or nonjudicial handling.

2. The presence of medical, psychiatric, psychological, substance abuse, educational, or vocational problems, or other conditions that may have caused the child to come to the attention of law enforcement or the department. The child shall also be screened to determine whether the child poses a danger to himself or herself or others in the community. The results of this screening shall be made available to the court and to court officers. In cases where such conditions are identified and a nonjudicial handling of the case is chosen, the juvenile probation officer shall attempt to refer the child to a program or agency, together with all available and relevant assessment information concerning the child's precipitating condition.

(d) Completing the risk assessment instrument.--The juvenile probation officer shall ensure that a risk assessment instrument establishing the child's eligibility for detention has been accurately completed and that the appropriate recommendation was made to the court.

(e) Rights.--The juvenile probation officer shall

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inquire as to whether the child understands his or her rights to counsel and against self-incrimination.

(f) Multidisciplinary assessment.--The juvenile probation officer shall coordinate the multidisciplinary assessment when required, which includes the classification and placement process that determines the child's priority needs, risk classification, and treatment plan. When sufficient evidence exists to warrant a comprehensive assessment and the child fails to voluntarily participate in the assessment efforts, it is the responsibility of the juvenile probation officer to inform the court of the need for the assessment and the refusal of the child to participate in such assessment. This assessment, classification, and placement process shall develop into the predisposition report.

(g) Comprehensive assessment.--The juvenile probation officer, pursuant to uniform procedures established by the department and upon determining that the report, affidavit, or complaint is complete, shall:

1. Perform the preliminary screening and make referrals for a comprehensive assessment regarding the child's need for substance abuse treatment services, mental health services, retardation services, literacy services, or other educational or treatment services.

2. When indicated by the preliminary screening, provide for a comprehensive assessment of the child and family for substance abuse problems, using community-based licensed programs with clinical expertise and experience in the assessment of substance abuse problems.

3. When indicated by the preliminary screening, provide for a comprehensive assessment of the child and family

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1 for mental health problems, using community-based
2 psychologists, psychiatrists, or other licensed mental health
3 professionals with clinical expertise and experience in the
4 assessment of mental health problems.

5 (h) Referrals for services.--The juvenile probation
6 officer shall make recommendations for services and facilitate
7 the delivery of those services to the child, including any
8 mental health services, educational services, family
9 counseling services, family assistance services, and substance
10 abuse services.

11 (i) Recommendation concerning a petition.--Upon
12 determining that the report, affidavit, or complaint complies
13 with the standards of a probable cause affidavit and that the
14 interest of the child and the public will be best served, the
15 juvenile probation officer may recommend that a delinquency
16 petition not be filed. If such a recommendation is made, the
17 juvenile probation officer shall advise in writing the person
18 or agency making the report, affidavit, or complaint, the
19 victim, if any, and the law enforcement agency having
20 investigative jurisdiction over the offense of the
21 recommendation; the reasons therefore; and that the person or
22 agency may submit, within 10 days after the receipt of such
23 notice, the report, affidavit, or complaint to the state
24 attorney for special review. The state attorney, upon
25 receiving a request for special review, shall consider the
26 facts presented by the report, affidavit, or complaint, and by
27 the juvenile probation officer who made the recommendation
28 that no petition be filed, before making a final decision as
29 to whether a petition or information should or should not be
30 filed.

31 (j) Completing intake report.--Subject to the

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1 interagency agreement authorized under this paragraph, the
2 juvenile probation officer for each case in which a child is
3 alleged to have committed a violation of law or delinquent act
4 and is not detained shall submit a written report to the state
5 attorney, including the original report, complaint, or
6 affidavit, or a copy thereof, including a copy of the child's
7 prior juvenile record, within 20 days after the date the child
8 is taken into custody. In cases in which the child is in
9 detention, the intake office report must be submitted within
10 24 hours after the child is placed into detention. The intake
11 office report may include a recommendation that a petition or
12 information be filed or that no petition or information be
13 filed and may set forth reasons for the recommendation. The
14 state attorney and the department may, on a
15 district-by-district basis, enter into interagency agreements
16 denoting the cases that will require a recommendation and
17 those for which a recommendation is unnecessary.

18 ~~(a) The juvenile probation officer, upon determining~~
19 ~~that the report, affidavit, or complaint is complete, pursuant~~
20 ~~to uniform procedures established by the department, shall:~~

21 ~~1. When indicated by the preliminary screening,~~
22 ~~provide for a comprehensive assessment of the child and family~~
23 ~~for substance abuse problems, using community-based licensed~~
24 ~~programs with clinical expertise and experience in the~~
25 ~~assessment of substance abuse problems.~~

26 ~~2. When indicated by the preliminary screening,~~
27 ~~provide for a comprehensive assessment of the child and family~~
28 ~~for mental health problems, using community-based~~
29 ~~psychologists, psychiatrists, or other licensed mental health~~
30 ~~professionals with clinical expertise and experience in the~~
31 ~~assessment of mental health problems.~~

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~~When indicated by the comprehensive assessment, the department is authorized to contract within appropriated funds for services with a local nonprofit community mental health or substance abuse agency licensed or authorized under chapter 394, or chapter 397, or other authorized nonprofit social service agency providing related services. The determination of mental health or substance abuse services shall be conducted in coordination with existing programs providing mental health or substance abuse services in conjunction with the intake office. Client information resulting from the screening and evaluation shall be documented pursuant to rules established by the department and shall serve to assist the juvenile probation officer in providing the most appropriate services and recommendations in the least intrusive manner. Such client information shall be used in the multidisciplinary assessment and classification of the child, but such information, and any information obtained directly or indirectly through the assessment process, is inadmissible in court prior to the disposition hearing, unless the child's written consent is obtained. At the disposition hearing, documented client information shall serve to assist the court in making the most appropriate custody, adjudicatory, and dispositional decision. If the screening and assessment indicate that the interest of the child and the public will be best served thereby, the juvenile probation officer, with the approval of the state attorney, may refer the child for care, diagnostic and evaluation services, substance abuse treatment services, mental health services, retardation services, a diversionary or arbitration or mediation program, community service work, or other programs or treatment services~~

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1 ~~voluntarily accepted by the child and the child's parents or~~
 2 ~~legal guardians. The victim, if any, and the law enforcement~~
 3 ~~agency which investigated the offense shall be notified~~
 4 ~~immediately by the state attorney of the action taken under~~
 5 ~~this paragraph. Whenever a child volunteers to participate in~~
 6 ~~any work program under this chapter or volunteers to work in a~~
 7 ~~specified state, county, municipal, or community service~~
 8 ~~organization supervised work program or to work for the~~
 9 ~~victim, the child shall be considered an employee of the state~~
 10 ~~for the purposes of liability. In determining the child's~~
 11 ~~average weekly wage, unless otherwise determined by a specific~~
 12 ~~funding program, all remuneration received from the employer~~
 13 ~~is considered a gratuity, and the child is not entitled to any~~
 14 ~~benefits otherwise payable under s. 440.15, regardless of~~
 15 ~~whether the child may be receiving wages and remuneration from~~
 16 ~~other employment with another employer and regardless of the~~
 17 ~~child's future wage-earning capacity.~~

18 ~~(b) The juvenile probation officer, upon determining~~
 19 ~~that the report, affidavit, or complaint complies with the~~
 20 ~~standards of a probable cause affidavit and that the interest~~
 21 ~~of the child and the public will be best served, may recommend~~
 22 ~~that a delinquency petition not be filed. If such a~~
 23 ~~recommendation is made, the juvenile probation officer shall~~
 24 ~~advise in writing the person or agency making the report,~~
 25 ~~affidavit, or complaint, the victim, if any, and the law~~
 26 ~~enforcement agency having investigative jurisdiction of the~~
 27 ~~offense of the recommendation and the reasons therefor; and~~
 28 ~~that the person or agency may submit, within 10 days after the~~
 29 ~~receipt of such notice, the report, affidavit, or complaint to~~
 30 ~~the state attorney for special review. The state attorney,~~
 31 ~~upon receiving a request for special review, shall consider~~

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~~the facts presented by the report, affidavit, or complaint,
and by the juvenile probation officer who made the
recommendation that no petition be filed, before making a
final decision as to whether a petition or information should
or should not be filed.~~

~~(c) Subject to the interagency agreement authorized
under this paragraph, the juvenile probation officer for each
case in which a child is alleged to have committed a violation
of law or delinquent act and is not detained shall submit a
written report to the state attorney, including the original
report, complaint, or affidavit, or a copy thereof, including
a copy of the child's prior juvenile record, within 20 days
after the date the child is taken into custody. In cases in
which the child is in detention, the intake office report must
be submitted within 24 hours after the child is placed into
detention. The intake office report may include a
recommendation that a petition or information be filed or that
no petition or information be filed, and may set forth reasons
for the recommendation. The State Attorney and the Department
of Juvenile Justice may, on a district-by-district basis,
enter into interagency agreements denoting the cases that will
require a recommendation and those for which a recommendation
is unnecessary.~~

~~(d) The state attorney may in all cases take action
independent of the action or lack of action of the juvenile
probation officer, and shall determine the action which is in
the best interest of the public and the child. If the child
meets the criteria requiring prosecution as an adult pursuant
to s. 985.226, the state attorney shall request the court to
transfer and certify the child for prosecution as an adult or
shall provide written reasons to the court for not making such~~

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~~request. In all other cases, the state attorney may:~~

~~1. File a petition for dependency;~~

~~2. File a petition pursuant to chapter 984;~~

~~3. File a petition for delinquency;~~

~~4. File a petition for delinquency with a motion to transfer and certify the child for prosecution as an adult;~~

~~5. File an information pursuant to s. 985.227;~~

~~6. Refer the case to a grand jury;~~

~~7. Refer the child to a diversionary, pretrial intervention, arbitration, or mediation program, or to some other treatment or care program if such program commitment is voluntarily accepted by the child or the child's parents or legal guardians; or~~

~~8. Decline to file.~~

~~(e) In cases in which a delinquency report, affidavit, or complaint is filed by a law enforcement agency and the state attorney determines not to file a petition, the state attorney shall advise the clerk of the circuit court in writing that no petition will be filed thereon.~~

~~(2)(5)~~ Prior to requesting that a delinquency petition be filed or prior to filing a dependency petition, the juvenile probation officer may request the parent or legal guardian of the child to attend a course of instruction in parenting skills, training in conflict resolution, and the practice of nonviolence; to accept counseling; or to receive other assistance from any agency in the community which notifies the clerk of the court of the availability of its services. Where appropriate, the juvenile probation officer shall request both parents or guardians to receive such parental assistance. The juvenile probation officer may, in determining whether to request that a delinquency petition be

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1 filed, take into consideration the willingness of the parent
2 or legal guardian to comply with such request. The parent or
3 guardian must provide the juvenile probation officer with
4 identifying information, including the parent's or guardian's
5 name, address, date of birth, social security number, and
6 driver's license number or identification card number in order
7 to comply with s. 985.039 ~~985.2311~~.

8 (3) When indicated by the comprehensive assessment,
9 the department is authorized to contract within appropriated
10 funds for services with a local nonprofit community mental
11 health or substance abuse agency licensed or authorized under
12 chapter 394 or chapter 397 or other authorized nonprofit
13 social service agency providing related services. The
14 determination of mental health or substance abuse services
15 shall be conducted in coordination with existing programs
16 providing mental health or substance abuse services in
17 conjunction with the intake office.

18 (4) Client information resulting from the screening
19 and evaluation shall be documented under rules established by
20 the department and shall serve to assist the juvenile
21 probation officer in providing the most appropriate services
22 and recommendations in the least intrusive manner. Such client
23 information shall be used in the multidisciplinary assessment
24 and classification of the child, but such information, and any
25 information obtained directly or indirectly through the
26 assessment process, is inadmissible in court prior to the
27 disposition hearing, unless the child's written consent is
28 obtained. At the disposition hearing, documented client
29 information shall serve to assist the court in making the most
30 appropriate custody, adjudicatory, and dispositional decision.

31 (5) If the screening and assessment indicate that the

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1 interest of the child and the public will be best served
 2 thereby, the juvenile probation officer, with the approval of
 3 the state attorney, may refer the child for care, diagnostic,
 4 and evaluation services; substance abuse treatment services;
 5 mental health services; retardation services; a diversionary,
 6 arbitration, or mediation program; community service work; or
 7 other programs or treatment services voluntarily accepted by
 8 the child and the child's parents or legal guardian. Whenever
 9 a child volunteers to participate in any work program under
 10 this chapter or volunteers to work in a specified state,
 11 county, municipal, or community service organization
 12 supervised work program or to work for the victim, the child
 13 shall be considered an employee of the state for the purposes
 14 of liability. In determining the child's average weekly wage,
 15 unless otherwise determined by a specific funding program, all
 16 remuneration received from the employer is considered a
 17 gratuity, and the child is not entitled to any benefits
 18 otherwise payable under s. 440.15, regardless of whether the
 19 child may be receiving wages and remuneration from other
 20 employment with another employer and regardless of the child's
 21 future wage-earning capacity.

22 (6) The victim, if any, and the law enforcement agency
 23 that investigated the offense shall be notified immediately by
 24 the state attorney of the action taken under subsection (5).

25 Section 25. Section 985.15, Florida Statutes, is
 26 created to read:

27 985.15 Filing decisions.--

28 (1) The state attorney may in all cases take action
 29 independent of the action or lack of action of the juvenile
 30 probation officer and shall determine the action that is in
 31 the best interest of the public and the child. If the child

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1 meets the criteria requiring prosecution as an adult under s.
2 985.556, the state attorney shall request the court to
3 transfer and certify the child for prosecution as an adult or
4 shall provide written reasons to the court for not making such
5 a request. In all other cases, the state attorney may:
6 (a) File a petition for dependency;
7 (b) File a petition under chapter 984;
8 (c) File a petition for delinquency;
9 (d) File a petition for delinquency with a motion to
10 transfer and certify the child for prosecution as an adult;
11 (e) File an information under s. 985.557;
12 (f) Refer the case to a grand jury;
13 (g) Refer the child to a diversionary, pretrial
14 intervention, arbitration, or mediation program, or to some
15 other treatment or care program if such program commitment is
16 voluntarily accepted by the child or the child's parents or
17 legal guardian; or
18 (h) Decline to file.
19 (2) In cases in which a delinquency report, affidavit,
20 or complaint is filed by a law enforcement agency and the
21 state attorney determines not to file a petition, the state
22 attorney shall advise the clerk of the circuit court in
23 writing that no petition will be filed thereon.

24 Section 26. Section 985.303, Florida Statutes, is
25 renumbered as section 985.155, Florida Statutes.

26 Section 27. Section 985.304, Florida Statutes, is
27 renumbered as section 985.16, Florida Statutes, and subsection
28 (3) of that section is amended to read:

29 985.16 985.304 Community arbitration.--

30 (3) COMMUNITY ARBITRATORS.--The chief judge of each
31 judicial circuit shall maintain a list of qualified persons

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1 who have agreed to serve as community arbitrators for the
2 purpose of carrying out the provisions of this chapter ~~part~~.
3 Community arbitrators shall meet the qualification and
4 training requirements adopted in rule by the Supreme Court.
5 Whenever possible, qualified volunteers shall be used as
6 community arbitrators.

7 (a) Each community arbitrator or member of a community
8 arbitration panel shall be selected by the chief judge of the
9 circuit, the senior circuit court judge assigned to juvenile
10 cases in the circuit, and the state attorney. A community
11 arbitrator or, in the case of a panel, the chief arbitrator
12 shall have such powers as are necessary to conduct the
13 proceedings in a fair and expeditious manner.

14 (b) A community arbitrator or member of a community
15 arbitration panel shall be trained or experienced in juvenile
16 causes and shall be:

17 1. Either a graduate of an accredited law school or of
18 an accredited school with a degree in behavioral social work
19 or trained in conflict resolution techniques; and

20 2. A person of the temperament necessary to deal
21 properly with cases involving children and with the family
22 crises likely to be presented to him or her.

23 Section 28. Subsections (1) through (4) and (5)
24 through (8) of section 985.224, Florida Statutes, are
25 renumbered, respectively, as subsections (1) through (4) and
26 (6) through (9) of section 985.18, Florida Statutes, and
27 paragraph (e) of subsection (10) of section 985.215, Florida
28 Statutes, is renumbered as subsection (5) of section 985.18,
29 Florida Statutes.

30 Section 29. Subsections (1) and (2) of section
31 985.229, Florida Statutes, are renumbered as section 985.185,

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Florida Statutes, and amended to read:

985.185 Evaluations for disposition.--

(1) ~~Upon a finding that the child has committed a delinquent act, the court may order a predisposition report regarding the eligibility of the child for disposition other than by adjudication and commitment to the department or for disposition of adjudication, commitment to the department, and, if appropriate, assignment of a residential commitment level. The predisposition report shall be the result of the multidisciplinary assessment when such assessment is needed, and of the classification and placement process, and it shall indicate and report the child's priority needs, recommendations as to a classification of risk for the child in the context of his or her program and supervision needs, and a plan for treatment that recommends the most appropriate placement setting to meet the child's needs with the minimum program security that reasonably ensures public safety. A predisposition report shall be ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department. A comprehensive evaluation for physical health, mental health, substance abuse, academic, educational, or vocational problems shall be ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department. If a comprehensive evaluation is ordered, the predisposition report shall include a summary of the comprehensive evaluation. The predisposition report shall be submitted to the court upon completion of the report but no later than 48 hours prior to the disposition hearing. The predisposition report shall not be reviewed by the court without the consent of the child and his or her~~

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~~legal counsel until the child has been found to have committed a delinquent act.~~

(2) ~~The court shall consider the child's entire assessment and predisposition report and shall review the records of earlier judicial proceedings~~ Prior to making a final disposition of the case, the court may, by order, require additional evaluations and studies to be performed by the department, by the county school system, or by any social, psychological, or psychiatric agencies of the state. The court shall order the educational needs assessment completed under s. 985.18(2) pursuant to ~~s. 985.224(2)~~ to be included in the assessment and predisposition report.

Section 30. Sections 985.223 and 985.418, Florida Statutes, are renumbered, respectively, as sections 985.19 and 985.195, Florida Statutes.

Section 31. Subsections (1) and (4) of section 985.213, Florida Statutes, are renumbered as subsections (1) and (4) of section 985.24, Florida Statutes, and subsections (1) and (2) of section 985.214, Florida Statutes, are renumbered as subsections (2) and (3) of section 985.24, Florida Statutes, and amended to read:

985.24 985.213 Use of detention; prohibitions.--

(1) All determinations and court orders regarding the use of secure, nonsecure, or home detention shall be based primarily upon findings that the child:

(a) Presents a substantial risk of not appearing at a subsequent hearing;

(b) Presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior;

(c) Presents a history of committing a property offense prior to adjudication, disposition, or placement;

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1 (d) Has committed contempt of court by:

2 1. Intentionally disrupting the administration of the
3 court;

4 2. Intentionally disobeying a court order; or

5 3. Engaging in a punishable act or speech in the
6 court's presence which shows disrespect for the authority and
7 dignity of the court; or

8 (e) Requests protection from imminent bodily harm.

9 ~~985.214 Prohibited uses of detention.~~

10 (2)(1) A child alleged to have committed a delinquent
11 act or violation of law may not be placed into secure,
12 nonsecure, or home detention care for any of the following
13 reasons:

14 (a) To allow a parent to avoid his or her legal
15 responsibility.

16 (b) To permit more convenient administrative access to
17 the child.

18 (c) To facilitate further interrogation or
19 investigation.

20 (d) Due to a lack of more appropriate facilities.

21 (3)(2) A child alleged to be dependent under ~~part II~~
22 ~~of~~ chapter 39 may not, under any circumstances, be placed into
23 secure detention care.

24 (4) The department ~~of Juvenile Justice~~ shall continue
25 to identify alternatives to secure detention care and shall
26 develop such alternatives and annually submit them to the
27 Legislature for authorization and appropriation.

28 Section 32. Subsection (2) of section 985.213, Florida
29 Statutes, is renumbered as section 985.245, Florida Statutes,
30 and amended to read:

31 985.245 Risk assessment instrument.--

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1 ~~(1)(2)(a)~~ All determinations and court orders
2 regarding placement of a child into detention care shall
3 comply with all requirements and criteria provided in this
4 part and shall be based on a risk assessment of the child,
5 unless the child is placed into detention care as provided in
6 s. 985.255(2) ~~subparagraph (b)3~~.

7 ~~(2)(a)(b)1.~~ The risk assessment instrument for
8 detention care placement determinations and orders shall be
9 developed by the department ~~of Juvenile Justice~~ in agreement
10 with representatives appointed by the following associations:
11 the Conference of Circuit Judges of Florida, the Prosecuting
12 Attorneys Association, the Public Defenders Association, the
13 Florida Sheriffs Association, and the Florida Association of
14 Chiefs of Police. Each association shall appoint two
15 individuals, one representing an urban area and one
16 representing a rural area. The parties involved shall evaluate
17 and revise the risk assessment instrument as is considered
18 necessary using the method for revision as agreed by the
19 parties.

20 (b) The risk assessment instrument shall take into
21 consideration, but need not be limited to, prior history of
22 failure to appear, prior offenses, offenses committed pending
23 adjudication, any unlawful possession of a firearm, theft of a
24 motor vehicle or possession of a stolen motor vehicle, and
25 probation status at the time the child is taken into custody.
26 The risk assessment instrument shall also take into
27 consideration appropriate aggravating and mitigating
28 circumstances, and shall be designed to target a narrower
29 population of children than s. 985.255 ~~985.215(2)~~. The risk
30 assessment instrument shall also include any information
31 concerning the child's history of abuse and neglect. The risk

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1 assessment shall indicate whether detention care is warranted,
2 and, if detention care is warranted, whether the child should
3 be placed into secure, nonsecure, or home detention care.

4 ~~(3)2-~~ If, at the detention hearing, the court finds a
5 material error in the scoring of the risk assessment
6 instrument, the court may amend the score to reflect factual
7 accuracy.

8 ~~3. A child who is charged with committing an offense~~
9 ~~of domestic violence as defined in s. 741.28 and who does not~~
10 ~~meet detention criteria may be held in secure detention if the~~
11 ~~court makes specific written findings that:~~

12 ~~a. Respite care for the child is not available; and~~

13 ~~b. It is necessary to place the child in secure~~
14 ~~detention in order to protect the victim from injury.~~

15
16 ~~The child may not be held in secure detention under this~~
17 ~~subparagraph for more than 48 hours unless ordered by the~~
18 ~~court. After 48 hours, the court shall hold a hearing if the~~
19 ~~state attorney or victim requests that secure detention be~~
20 ~~continued. The child may continue to be held in detention care~~
21 ~~if the court makes a specific, written finding that detention~~
22 ~~care is necessary to protect the victim from injury. However,~~
23 ~~the child may not be held in detention care beyond the time~~
24 ~~limits set forth in s. 985.215.~~

25 ~~(4)4-~~ For a child who is under the supervision of the
26 department through probation, home detention, nonsecure
27 detention, conditional release, postcommitment probation, or
28 commitment and who is charged with committing a new offense,
29 the risk assessment instrument may be completed and scored
30 based on the underlying charge for which the child was placed
31 under the supervision of the department and the new offense.

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Section 33. Subsection (1) and paragraph (b) of subsection (5) of section 985.215, Florida Statutes, are renumbered as section 985.25, Florida Statutes, and amended to read:

985.25 ~~985.215~~ Detention intake.--

(1) The juvenile probation officer shall receive custody of a child who has been taken into custody from the law enforcement agency and shall review the facts in the law enforcement report or probable cause affidavit and make such further inquiry as may be necessary to determine whether detention care is required.

(a) During the period of time from the taking of the child into custody to the date of the detention hearing, the initial decision as to the child's placement into secure detention care, nonsecure detention care, or home detention care shall be made by the juvenile probation officer under ss. 985.24 and 985.245(1) ~~pursuant to ss. 985.213 and 985.214.~~

(b) The juvenile probation officer shall base the decision whether or not to place the child into secure detention care, home detention care, or nonsecure detention care on an assessment of risk in accordance with the risk assessment instrument and procedures developed by the department ~~of Juvenile Justice~~ under s. 985.245 ~~985.213~~. However, a child charged with possessing or discharging a firearm on school property in violation of s. 790.115 shall be placed in secure detention care.

(c) If the juvenile probation officer determines that a child who is eligible for detention based upon the results of the risk assessment instrument should be released, the juvenile probation officer shall contact the state attorney, who may authorize release. If detention is not authorized, the

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1 child may be released by the juvenile probation officer in
2 accordance with ss. 985.115 and 985.13 ~~s. 985.211~~.

3
4 Under no circumstances shall the juvenile probation officer or
5 the state attorney or law enforcement officer authorize the
6 detention of any child in a jail or other facility intended or
7 used for the detention of adults, without an order of the
8 court.

9 (2) ~~(5)~~

10 ~~(b)~~ The arresting law enforcement agency shall
11 complete and present its investigation of an offense ~~under~~
12 ~~this subsection~~ to the appropriate state attorney's office
13 within 8 days after placement of the child in secure
14 detention. The investigation shall include, but is not limited
15 to, police reports and supplemental police reports, witness
16 statements, and evidence collection documents. The failure of
17 a law enforcement agency to complete and present its
18 investigation within 8 days shall not entitle a juvenile to be
19 released from secure detention or to a dismissal of any
20 charges.

21 Section 34. Subsection (2) of section 985.215, Florida
22 Statutes, is renumbered as section 985.255, Florida Statutes,
23 and amended to read:

24 985.255 Detention criteria; detention hearing.--

25 (1) ~~(2)~~ Subject to s. 985.25(1) ~~the provisions of~~
26 ~~subsection (1)~~, a child taken into custody and placed into
27 nonsecure or home detention care or detained in secure
28 detention care prior to a detention hearing may continue to be
29 detained by the court if:

30 (a) The child is alleged to be an escapee or an
31 absconder from a commitment program, a probation program, or

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1 conditional release supervision, or is alleged to have escaped
2 while being lawfully transported to or from such program or
3 supervision.

4 (b) The child is wanted in another jurisdiction for an
5 offense which, if committed by an adult, would be a felony.

6 (c) The child is charged with a delinquent act or
7 violation of law and requests in writing through legal counsel
8 to be detained for protection from an imminent physical threat
9 to his or her personal safety.

10 (d) The child is charged with committing an offense of
11 domestic violence as defined in s. 741.28 and is detained as
12 provided in subsection (2) ~~s. 985.213(2)(b)3~~.

13 (e) The child is charged with possession or
14 discharging a firearm on school property in violation of s.
15 790.115.

16 (f) The child is charged with a capital felony, a life
17 felony, a felony of the first degree, a felony of the second
18 degree that does not involve a violation of chapter 893, or a
19 felony of the third degree that is also a crime of violence,
20 including any such offense involving the use or possession of
21 a firearm.

22 (g) The child is charged with any second degree or
23 third degree felony involving a violation of chapter 893 or
24 any third degree felony that is not also a crime of violence,
25 and the child:

26 1. Has a record of failure to appear at court hearings
27 after being properly notified in accordance with the Rules of
28 Juvenile Procedure;

29 2. Has a record of law violations prior to court
30 hearings;

31 3. Has already been detained or has been released and

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1 is awaiting final disposition of the case;

2 4. Has a record of violent conduct resulting in
3 physical injury to others; or

4 5. Is found to have been in possession of a firearm.

5 (h) The child is alleged to have violated the
6 conditions of the child's probation or conditional release
7 supervision. However, a child detained under this paragraph
8 may be held only in a consequence unit as provided in s.
9 985.439 ~~985.231(1)(a)1.c.~~ If a consequence unit is not
10 available, the child shall be placed on home detention with
11 electronic monitoring.

12 (i) The child is detained on a judicial order for
13 failure to appear and has previously willfully failed to
14 appear, after proper notice, for an adjudicatory hearing on
15 the same case regardless of the results of the risk assessment
16 instrument. A child may be held in secure detention for up to
17 72 hours in advance of the next scheduled court hearing
18 pursuant to this paragraph. The child's failure to keep the
19 clerk of court and defense counsel informed of a current and
20 valid mailing address where the child will receive notice to
21 appear at court proceedings does not provide an adequate
22 ground for excusal of the child's nonappearance at the
23 hearings.

24 (j) The child is detained on a judicial order for
25 failure to appear and has previously willfully failed to
26 appear, after proper notice, at two or more court hearings of
27 any nature on the same case regardless of the results of the
28 risk assessment instrument. A child may be held in secure
29 detention for up to 72 hours in advance of the next scheduled
30 court hearing pursuant to this paragraph. The child's failure
31 to keep the clerk of court and defense counsel informed of a

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1 current and valid mailing address where the child will receive
2 notice to appear at court proceedings does not provide an
3 adequate ground for excusal of the child's nonappearance at
4 the hearings.

5 (2) A child who is charged with committing an offense
6 of domestic violence as defined in s. 741.28 and who does not
7 meet detention criteria may be held in secure detention if the
8 court makes specific written findings that:

9 (a) Respite care for the child is not available.

10 (b) It is necessary to place the child in secure
11 detention in order to protect the victim from injury.

12

13 The child may not be held in secure detention under this
14 subsection for more than 48 hours unless ordered by the court.
15 After 48 hours, the court shall hold a hearing if the state
16 attorney or victim requests that secure detention be
17 continued. The child may continue to be held in detention care
18 if the court makes a specific, written finding that detention
19 care is necessary to protect the victim from injury. However,
20 the child may not be held in detention care beyond the time
21 limits set forth in this section or s. 985.26.

22 (3)(a) A child who meets any of ~~the~~ these criteria in
23 subsection (1) and who is ordered to be detained under that
24 ~~pursuant to this~~ subsection shall be given a hearing within 24
25 hours after being taken into custody. The purpose of the
26 detention hearing is to determine the existence of probable
27 cause that the child has committed the delinquent act or
28 violation of law that ~~with which~~ he or she is charged with and
29 the need for continued detention. Unless a child is detained
30 under paragraph(1)(d) or paragraph(1)(e), the court shall

31 use ~~utilize~~ the results of the risk assessment performed by

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1 the juvenile probation officer and, based on the criteria in
2 ~~this subsection(1)~~, shall determine the need for continued
3 detention. A child placed into secure, nonsecure, or home
4 detention care may continue to be so detained by the court
5 ~~pursuant to this subsection.~~

6 (b) If the court orders a placement more restrictive
7 than indicated by the results of the risk assessment
8 instrument, the court shall state, in writing, clear and
9 convincing reasons for such placement.

10 (c) Except as provided in s. 790.22(8) or in s. 985.27
11 ~~subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c),~~
12 ~~or paragraph (10)(d)~~, when a child is placed into secure or
13 nonsecure detention care, or into a respite home or other
14 placement pursuant to a court order following a hearing, the
15 court order must include specific instructions that direct the
16 release of the child from such placement no later than 5 p.m.
17 on the last day of the detention period specified in s. 985.26
18 ~~or s. 985.27 paragraph (5)(b) or paragraph (5)(c), or~~
19 ~~subparagraph (10)(a)1.~~, whichever is applicable, unless the
20 requirements of such applicable provision have been met or an
21 order of continuance has been granted under s. 985.26(4)
22 ~~pursuant to paragraph (5)(f).~~

23 Section 35. Paragraphs (c) and (g) of subsection (5)
24 of section 985.215, Florida Statutes, are renumbered as
25 subsection (2) of section 985.26, Florida Statutes, paragraphs
26 (a), (d), (e), and (f) of subsection (5) of section 985.215,
27 Florida Statutes, are renumbered, respectively, as subsections
28 (1), (3), (5), and (4) of section 985.26, Florida Statutes,
29 and subsection (7) of section 985.215, Florida Statutes, is
30 renumbered as subsection (6) of section 985.26, Florida

31 Statutes, and amended to read:

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1 985.26 Length of detention.--

2 ~~(1)(5)(a)~~ A child may not be placed into or held in
3 secure, nonsecure, or home detention care for longer than 24
4 hours unless the court orders such detention care, and the
5 order includes specific instructions that direct the release
6 of the child from such detention care, in accordance with
7 ~~985.255 subsection (2)~~. The order shall be a final order,
8 reviewable by appeal under ~~pursuant to~~ s. 985.534 ~~985.234~~ and
9 the Florida Rules of Appellate Procedure. Appeals of such
10 orders shall take precedence over other appeals and other
11 pending matters.

12 ~~(2)(c)~~ ~~Except as provided in paragraph (g),~~ A child
13 may not be held in secure, nonsecure, or home detention care
14 under a special detention order for more than 21 days unless
15 an adjudicatory hearing for the case has been commenced in
16 good faith by the court. However, upon good cause being shown
17 that the nature of the charge requires additional time for the
18 prosecution or defense of the case, the court may extend the
19 length of detention for an additional 9 days if the child is
20 charged with an offense that would be, if committed by an
21 adult, a capital felony, a life felony, a felony of the first
22 degree, or a felony of the second degree involving violence
23 against any individual.

24 ~~(3)(d)~~ Except as provided in subsection (2) ~~paragraph~~
25 ~~(g)~~, a child may not be held in secure, nonsecure, or home
26 detention care for more than 15 days following the entry of an
27 order of adjudication.

28 ~~(4)(f)~~ The time limits in subsections (2) and (3)
29 ~~paragraphs (c) and (d)~~ do not include periods of delay
30 resulting from a continuance granted by the court for cause on
31 motion of the child or his or her counsel or of the state.

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1 Upon the issuance of an order granting a continuance for cause
2 on a motion by either the child, the child's counsel, or the
3 state, the court shall conduct a hearing at the end of each
4 72-hour period, excluding Saturdays, Sundays, and legal
5 holidays, to determine the need for continued detention of the
6 child and the need for further continuance of proceedings for
7 the child or the state.

8 ~~(5)(e)~~ A child who was not in secure detention at the
9 time of the adjudicatory hearing, but for whom residential
10 commitment is anticipated or recommended, may be placed under
11 a special detention order for a period not to exceed 72 hours,
12 excluding weekends and legal holidays, for the purpose of
13 conducting a comprehensive evaluation as provided in s.
14 985.185 ~~985.229(1)~~. Motions for the issuance of such special
15 detention order may be made subsequent to a finding of
16 delinquency. Upon said motion, the court shall conduct a
17 hearing to determine the appropriateness of such special
18 detention order and shall order the least restrictive level of
19 detention necessary to complete the comprehensive evaluation
20 process that is consistent with public safety. Such special
21 detention order may be extended for an additional 72 hours
22 upon further order of the court.

23 ~~(g) Upon good cause being shown that the nature of the~~
24 ~~charge requires additional time for the prosecution or defense~~
25 ~~of the case, the court may extend the time limits for~~
26 ~~detention specified in paragraph (c) an additional 9 days if~~
27 ~~the child is charged with an offense that would be, if~~
28 ~~committed by an adult, a capital felony, a life felony, a~~
29 ~~felony of the first degree, or a felony of the second degree~~
30 ~~involving violence against any individual.~~

31 ~~(6)(7)~~ If a child is detained and a petition for

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1 delinquency is filed, the child shall be arraigned in
2 accordance with the Florida Rules of Juvenile Procedure within
3 48 hours after the filing of the petition for delinquency.

4 Section 36. Subsections (4), (8), (9), and (11) of
5 section 985.215, Florida Statutes, are renumbered,
6 respectively, as subsections (5), (1), (2), and (3) of section
7 985.265, Florida Statutes, and subsection (3) of section
8 985.213, Florida Statutes, is renumbered as subsection (4) of
9 section 985.265, Florida Statutes, and amended to read:

10 985.265 Detention transfer and release; education;
11 adult jails.--

12 (1)(8) If a child is detained under ~~pursuant to this~~
13 ~~part section~~, the department of Juvenile Justice may transfer
14 the child from nonsecure or home detention care to secure
15 detention care only if significantly changed circumstances
16 warrant such transfer.

17 (2)(9) If a child is on release status and not
18 detained under ~~pursuant to this part section~~, the child may be
19 placed into secure, nonsecure, or home detention care only
20 pursuant to a court hearing in which the original risk
21 assessment instrument, rescored based on newly discovered
22 evidence or changed circumstances with the results
23 recommending detention, is introduced into evidence.

24 (3)(11)(a) When a juvenile sexual offender is placed
25 in detention, detention staff shall provide appropriate
26 monitoring and supervision to ensure the safety of other
27 children in the facility.

28 (b) When a juvenile sexual offender, under ~~pursuant to~~
29 this subsection, is released from detention or transferred to
30 home detention or nonsecure detention, detention staff shall
31 immediately notify the appropriate law enforcement agency and

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1 school personnel.

2 ~~(4)(3)~~(a) While a child who is currently enrolled in
3 school is in nonsecure or home detention care, the child shall
4 continue to attend school unless otherwise ordered by the
5 court.

6 (b) While a child is in secure detention care, the
7 child shall receive education commensurate with his or her
8 grade level and educational ability.

9 ~~(5)(4)~~ The court shall order the delivery of a child
10 to a jail or other facility intended or used for the detention
11 of adults:

12 (a) When the child has been transferred or indicted
13 for criminal prosecution as an adult under ~~pursuant to this~~
14 part X, except that the court may not order or allow a child
15 alleged to have committed a misdemeanor who is being
16 transferred for criminal prosecution pursuant to either s.
17 ~~985.556 985.226~~ or s. 985.557 ~~985.227~~ to be detained or held
18 in a jail or other facility intended or used for the detention
19 of adults; however, such child may be held temporarily in a
20 detention facility; or

21 (b) When a child taken into custody in this state is
22 wanted by another jurisdiction for prosecution as an adult.

23

24 The child shall be housed separately from adult inmates to
25 prohibit a child from having regular contact with incarcerated
26 adults, including trustees. "Regular contact" means sight and
27 sound contact. Separation of children from adults shall permit
28 no more than haphazard or accidental contact. The receiving
29 jail or other facility shall contain a separate section for
30 children and shall have an adequate staff to supervise and
31 monitor the child's activities at all times. Supervision and

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1 monitoring of children includes physical observation and
2 documented checks by jail or receiving facility supervisory
3 personnel at intervals not to exceed 15 minutes. This
4 paragraph does not prohibit placing two or more children in
5 the same cell. Under no circumstances shall a child be placed
6 in the same cell with an adult.

7 Section 37. Paragraphs (a) through (d) and paragraph
8 (f) of subsection (10) of section 985.215, Florida Statutes,
9 are renumbered as section 985.27, Florida Statutes, and
10 amended to read:

11 985.27 Postcommitment detention while awaiting
12 placement.--

13 ~~(1)(10)(a)1. When a child is committed to the~~
14 ~~Department of Juvenile Justice awaiting dispositional~~
15 ~~placement, removal of the child from detention care shall~~
16 ~~occur within 5 days, excluding Saturdays, Sundays, and legal~~
17 ~~holidays. Any child held in secure detention during the 5 days~~
18 ~~must meet detention admission criteria pursuant to this~~
19 ~~section. If the child is committed to a moderate-risk~~
20 ~~residential program, the department may seek an order from the~~
21 ~~court authorizing continued detention for a specific period of~~
22 ~~time necessary for the appropriate residential placement of~~
23 ~~the child. However, such continued detention in secure~~
24 ~~detention care may not exceed 15 days after commitment,~~
25 ~~excluding Saturdays, Sundays, and legal holidays, and except~~
26 ~~as otherwise provided in this subsection.~~

27 ~~2.~~ The court must place all children who are
28 adjudicated and awaiting placement in a residential commitment
29 program in detention care. Children who are in home detention
30 care or nonsecure detention care may be placed on electronic
31 monitoring.

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1 (a) A child who is awaiting placement in a low-risk
2 residential program must be removed from detention within 5
3 days, excluding Saturdays, Sundays, and legal holidays. Any
4 child held in secure detention during the 5 days must meet
5 detention admission criteria under this part.

6 ~~(b)~~ A child who is placed in home detention care,
7 nonsecure detention care, or home or nonsecure detention care
8 with electronic monitoring, while awaiting placement in a
9 low-risk ~~or moderate-risk~~ program, may be held in secure
10 detention care for 5 days, if the child violates the
11 conditions of the home detention care, the nonsecure detention
12 care, or the electronic monitoring agreement. For any
13 subsequent violation, the court may impose an additional 5
14 days in secure detention care.

15 (b) A child who is awaiting placement in a
16 moderate-risk residential program must be removed from
17 detention within 5 days, excluding Saturdays, Sundays, and
18 legal holidays. Any child held in secure detention during the
19 5 days must meet detention admission criteria under this part.
20 The department may seek an order from the court authorizing
21 continued detention for a specific period of time necessary
22 for the appropriate residential placement of the child.
23 However, such continued detention in secure detention care may
24 not exceed 15 days after entry of the commitment order,
25 excluding Saturdays, Sundays, and legal holidays, and except
26 as otherwise provided in this section. A child who is placed
27 in home detention care, nonsecure detention care, or home or
28 nonsecure detention care with electronic monitoring, while
29 awaiting placement in a moderate-risk program, may be held in
30 secure detention care for 5 days, if the child violates the
31 conditions of the home detention care, the nonsecure detention

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1 care, or the electronic monitoring agreement. For any
2 subsequent violation, the court may impose an additional 5
3 days in secure detention care.

4 (c) If the child is committed to a high-risk
5 residential program, the child must be held in detention care
6 until placement or commitment is accomplished.

7 (d) If the child is committed to a maximum-risk
8 residential program, the child must be held in detention care
9 until placement or commitment is accomplished.

10 (2)(f) Regardless of detention status, a child being
11 transported by the department to a commitment facility of the
12 department may be placed in secure detention overnight, not to
13 exceed a 24-hour period, for the specific purpose of ensuring
14 the safe delivery of the child to his or her commitment
15 program, court, appointment, transfer, or release.

16 Section 38. Section 985.208, Florida Statutes, is
17 renumbered as section 985.275, Florida Statutes, and amended
18 to read:

19 985.275 ~~985.208~~ Detention of escapee on authority of
20 the department.--

21 (1) If an authorized agent of the department has
22 reasonable grounds to believe that any delinquent child
23 committed to the department has escaped from a facility of the
24 department or from being lawfully transported thereto or
25 therefrom, the agent may take the child into active custody
26 and may deliver the child to the facility or, if it is closer,
27 to a detention center for return to the facility. However, a
28 child may not be held in detention longer than 24 hours,
29 excluding Saturdays, Sundays, and legal holidays, unless a
30 special order so directing is made by the judge after a
31 detention hearing resulting in a finding that detention is

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1 required based on the criteria in s. 985.255 ~~985.215(2)~~. The
2 order shall state the reasons for such finding. The reasons
3 shall be reviewable by appeal or in habeas corpus proceedings
4 in the district court of appeal.

5 (2) Any sheriff or other law enforcement officer, upon
6 the request of the secretary of the department or duly
7 authorized agent, shall take a child who has escaped or
8 absconded from a department facility for committed delinquent
9 children, or from being lawfully transported thereto or
10 therefrom, into custody and deliver the child to the
11 appropriate juvenile probation officer of the department.

12 Section 39. Section 985.218, Florida Statutes, is
13 renumbered as section 985.318, Florida Statutes.

14 Section 40. Subsections (1) through (7) and (9)
15 through (12) of section 985.219, Florida Statutes, are
16 renumbered as subsections (1) through (11) of section 985.319,
17 Florida Statutes, and subsection (6) of that section is
18 amended to read:

19 985.319 ~~985.219~~ Process and service.--

20 (6) If the petition alleges that the child has
21 committed a delinquent act or violation of law and the judge
22 deems it advisable to do so, under ~~pursuant to~~ the criteria of
23 s. 985.255 ~~s. 985.215~~, the judge may, by endorsement upon the
24 summons and after the entry of an order in which valid reasons
25 are specified, order the child to be taken into custody
26 immediately, and in such case the person serving the summons
27 shall immediately take the child into custody.

28 Section 41. Section 985.22, Florida Statutes, is
29 renumbered as section 985.325, Florida Statutes, and amended
30 to read:

31 985.325 ~~985.22~~ Threatening or dismissing an employee

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1 prohibited.--

2 (1) An employer, or the employer's agent, may not
3 dismiss from employment an employee who is summoned to appear
4 before the court under s. 985.319 ~~985.219~~ solely because of
5 the nature of the summons or because the employee complies
6 with the summons.

7 (2) If an employer, or the employer's agent, threatens
8 an employee with dismissal, or dismisses an employee, who is
9 summoned to appear under s. 985.319 ~~985.219~~, the court may
10 hold the employer in contempt.

11 Section 42. Sections 985.221, 985.222, and 985.306,
12 Florida Statutes, are renumbered, respectively, as sections
13 985.331, 985.335, and 985.345, Florida Statutes.

14 Section 43. Section 985.228, Florida Statutes, is
15 renumbered as section 985.35, Florida Statutes, and amended to
16 read:

17 985.35 ~~985.228~~ Adjudicatory hearings; withheld
18 adjudications; orders of adjudication.--

19 (1) The adjudicatory hearing must be held as soon as
20 practicable after the petition alleging that a child has
21 committed a delinquent act or violation of law is filed and in
22 accordance with the Florida Rules of Juvenile Procedure; but
23 reasonable delay for the purpose of investigation, discovery,
24 or procuring counsel or witnesses shall be granted. If the
25 child is being detained, the time limitations ~~provided for~~ in
26 s. 985.26(2) and (3) ~~985.215(5)(c) and (d)~~ apply.

27 (2) Adjudicatory hearings shall be conducted without a
28 jury by the court, applying in delinquency cases the rules of
29 evidence in use in criminal cases; adjourning the hearings
30 from time to time as necessary; and conducting a fundamentally
31 fair hearing in language understandable, to the fullest extent

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1 practicable, to the child before the court.

2 (a) In a hearing on a petition alleging that a child
3 has committed a delinquent act or violation of law, the
4 evidence must establish the findings beyond a reasonable
5 doubt.

6 (b) The child is entitled to the opportunity to
7 introduce evidence and otherwise be heard in the child's own
8 behalf and to cross-examine witnesses.

9 (c) A child charged with a delinquent act or violation
10 of law must be afforded all rights against self-incrimination.
11 Evidence illegally seized or obtained may not be received to
12 establish the allegations against the child.

13 (3) If the court finds that the child named in a
14 petition has not committed a delinquent act or violation of
15 law, it shall enter an order so finding and dismissing the
16 case.

17 (4) If the court finds that the child named in the
18 petition has committed a delinquent act or violation of law,
19 it may, in its discretion, enter an order stating the facts
20 upon which its finding is based but withholding adjudication
21 of delinquency.

22 (a) Upon withholding adjudication of delinquency, the
23 court may place ~~and placing~~ the child in a probation program
24 under the supervision of the department or under the
25 supervision of any other person or agency specifically
26 authorized and appointed by the court. The court may, as a
27 condition of the program, impose as a penalty component
28 restitution in money or in kind, community service, a curfew,
29 urine monitoring, revocation or suspension of the driver's
30 license of the child, or other nonresidential punishment

31 appropriate to the offense, and may impose as a rehabilitative

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1 component a requirement of participation in substance abuse
2 treatment, or school or other educational program attendance.

3 **(b)** If the child is attending public school and the
4 court finds that the victim or a sibling of the victim in the
5 case was assigned to attend or is eligible to attend the same
6 school as the child, the court order shall include a finding
7 pursuant to the proceedings described in s. 985.455,
8 regardless of whether adjudication is withheld ~~985.23(1)(d).~~

9 **(c)** If the court later finds that the child has not
10 complied with the rules, restrictions, or conditions of the
11 community-based program, the court may, after a hearing to
12 establish the lack of compliance, but without further evidence
13 of the state of delinquency, enter an adjudication of
14 delinquency and shall thereafter have full authority under
15 this chapter to deal with the child as adjudicated.

16 (5) If the court finds that the child named in a
17 petition has committed a delinquent act or violation of law,
18 but elects not to proceed under subsection (4), it shall
19 incorporate that finding in an order of adjudication of
20 delinquency entered in the case, briefly stating the facts
21 upon which the finding is made, and the court shall thereafter
22 have full authority under this chapter to deal with the child
23 as adjudicated.

24 (6) Except as the term "conviction" is used in chapter
25 322, and except for use in a subsequent proceeding under this
26 chapter, an adjudication of delinquency by a court with
27 respect to any child who has committed a delinquent act or
28 violation of law shall not be deemed a conviction; nor shall
29 the child be deemed to have been found guilty or to be a
30 criminal by reason of that adjudication; nor shall that

31 adjudication operate to impose upon the child any of the civil

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1 disabilities ordinarily imposed by or resulting from
2 conviction or to disqualify or prejudice the child in any
3 civil service application or appointment, with the exception
4 of the use of records of proceedings under this chapter part
5 as provided in s. 985.045(4) ~~s. 985.05(4)~~.

6 (7) Notwithstanding any other provision of law, an
7 adjudication of delinquency for an offense classified as a
8 felony shall disqualify a person from lawfully possessing a
9 firearm until such person reaches 24 years of age.

10 Section 44. Subsection (3) of section 985.229, Florida
11 Statutes, is renumbered as subsection (3) of section 985.43,
12 Florida Statutes, and section 985.43, Florida Statutes, is
13 created to read:

14 985.43 Predisposition reports; other evaluations.--

15 (1) Upon a finding that the child has committed a
16 delinquent act:

17 (a) The court may order the department to prepare a
18 predisposition report regarding the child's eligibility for
19 disposition other than by adjudication and commitment to the
20 department or for disposition of adjudication, commitment to
21 the department, and, if appropriate, assignment of a
22 residential commitment level. The predisposition report shall
23 be the result of the multidisciplinary assessment when such
24 assessment is needed, and of the classification and placement
25 process, and it shall indicate and report the child's priority
26 needs, recommendations as to a classification of risk for the
27 child in the context of his or her program and supervision
28 needs, and a plan for treatment that recommends the most
29 appropriate placement setting to meet the child's needs with
30 the minimum program security that reasonably ensures public
31 safety. A predisposition report shall be ordered for any child

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1 for whom a residential commitment disposition is anticipated
2 or recommended by an officer of the court or by the
3 department.

4 (b) A comprehensive evaluation for physical health;
5 mental health; substance abuse; or academic, educational, or
6 vocational problems shall be ordered for any child for whom a
7 residential commitment disposition is anticipated or
8 recommended by an officer of the court or by the department.
9 If a comprehensive evaluation is ordered, the predisposition
10 report shall include a summary of the comprehensive
11 evaluation.

12 (c) A child who was not in secure detention at the
13 time of the adjudicatory hearing, but for whom residential
14 commitment is anticipated or recommended, may be placed under
15 a special detention order, as provided in s. 985.26(5), for
16 the purpose of conducting a comprehensive evaluation.

17 (2) The court shall consider the child's entire
18 assessment and predisposition report and shall review the
19 records of earlier judicial proceedings prior to making a
20 final disposition of the case. The court may, by order,
21 require additional evaluations and studies to be performed by
22 the department, by the county school system, or by any social,
23 psychological, or psychiatric agency of the state. The court
24 shall order the educational needs assessment completed under
25 s. 985.18(2) to be included in the assessment and
26 predisposition report.

27 (3) The predisposition report, together with all other
28 reports and evaluations used by the department in preparing
29 the predisposition report, shall be made available to the
30 child, the child's parents or legal guardian, the child's
31 legal counsel, and the state attorney upon completion of the

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1 report and at a reasonable time prior to the disposition
2 hearing. The predisposition report shall be submitted to the
3 court upon completion of the report but no later than 48 hours
4 prior to the disposition hearing. The predisposition report
5 shall not be reviewed by the court without the consent of the
6 child and his or her legal counsel until the child has been
7 found to have committed a delinquent act.

8 Section 45. Section 985.23, Florida Statutes, is
9 renumbered as section 985.433, Florida Statutes, and amended
10 to read:

11 985.433 ~~985.23~~ Disposition hearings in delinquency
12 cases.--When a child has been found to have committed a
13 delinquent act, the following procedures shall be applicable
14 to the disposition of the case:

15 (1)(7) The court shall notify any victim of the
16 offense, if such person is known and within the jurisdiction
17 of the court, of the hearing.

18 (2) The court ~~and~~ shall notify and summon or subpoena,
19 if necessary, the parents, legal custodians, or guardians of
20 the child to attend the disposition hearing if they reside in
21 the state.

22
23 ~~It is the intent of the Legislature that the criteria set~~
24 ~~forth in subsection (2) are general guidelines to be followed~~
25 ~~at the discretion of the court and not mandatory requirements~~
26 ~~of procedure. It is not the intent of the Legislature to~~
27 ~~provide for the appeal of the disposition made pursuant to~~
28 ~~this section.~~

29 (3)(6) The court may receive and consider any other
30 relevant and material evidence, including other written or
31 oral reports or statements, in its effort to determine the

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1 appropriate disposition to be made with regard to the child.
2 The court may rely upon such evidence to the extent of its
3 probative value, even though such evidence may not be
4 technically competent in an adjudicatory hearing.

5 ~~(4)(1)~~ Before the court determines and announces the
6 disposition to be imposed, it shall:

7 (a) State clearly, using common terminology, the
8 purpose of the hearing and the right of persons present as
9 parties to comment at the appropriate time on the issues
10 before the court.~~+~~

11 (b) Discuss with the child his or her compliance with
12 any home release plan or other plan imposed since the date of
13 the offense.~~+~~

14 (c) Discuss with the child his or her feelings about
15 the offense committed, the harm caused to the victim or
16 others, and what penalty he or she should be required to pay
17 for such transgression.~~+~~ ~~and~~

18 (d) Give all parties, as well as the victim, or a
19 representative of the victim, representatives of the school
20 system, and the law enforcement officers involved in the case
21 who are present at the hearing an opportunity to comment on
22 the issue of disposition and any proposed rehabilitative plan.
23 Parties to the case shall include the parents, legal
24 custodians, or guardians of the child; the child's counsel;
25 the state attorney; and representatives of the department; ~~the~~
26 ~~victim if any, or his or her representative; representatives~~
27 ~~of the school system; and the law enforcement officers~~
28 ~~involved in the case. If the child is attending or is eligible~~
29 ~~to attend public school and the court finds that the victim or~~
30 ~~a sibling of the victim in the case is attending or may attend~~
31 ~~the same school as the child, the court shall, on its own~~

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1 ~~motion or upon the request of any party or any parent or legal~~
 2 ~~guardian of the victim, determine whether it is appropriate to~~
 3 ~~enter a no contact order in favor of the victim or a sibling~~
 4 ~~of the victim. If appropriate and acceptable to the victim and~~
 5 ~~the victim's parent or parents or legal guardian, the court~~
 6 ~~may reflect in the written disposition order that the victim~~
 7 ~~or the victim's parent stated in writing or in open court that~~
 8 ~~he or she did not object to the offender being permitted to~~
 9 ~~attend the same school or ride on the same school bus as the~~
 10 ~~victim or a sibling of the victim.~~

11 (5) At the time of disposition, the court may make
 12 recommendations to the department as to specific treatment
 13 approaches to be employed.

14 (6)(2) The first determination to be made by the court
 15 is a determination of the suitability or unsuitability for
 16 adjudication and commitment of the child to the department.
 17 This determination shall include consideration of the
 18 recommendations of the department, which may include a
 19 predisposition report. The predisposition report shall
 20 include, whether as part of the child's multidisciplinary
 21 assessment, classification, and placement process components
 22 or separately, evaluation of the following criteria:

23 (a) The seriousness of the offense to the community.
 24 If the court determines under chapter 874 that the child was a
 25 member of a criminal street gang at the time of the commission
 26 of the offense, ~~which determination shall be made pursuant to~~
 27 ~~chapter 874~~, the seriousness of the offense to the community
 28 shall be given great weight.

29 (b) Whether the protection of the community requires
 30 adjudication and commitment to the department.

31 (c) Whether the offense was committed in an

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1 aggressive, violent, premeditated, or willful manner.

2 (d) Whether the offense was against persons or against
3 property, greater weight being given to offenses against
4 persons, especially if personal injury resulted.

5 (e) The sophistication and maturity of the child.

6 (f) The record and previous criminal history of the
7 child, including without limitations:

8 1. Previous contacts with the department, the former
9 Department of Health and Rehabilitative Services, the
10 Department of Children and Family Services, the Department of
11 Corrections, other law enforcement agencies, and courts.~~+~~

12 2. Prior periods of probation.~~+~~

13 3. Prior adjudications of delinquency.~~+~~ ~~and~~

14 4. Prior commitments to institutions.

15 (g) The prospects for adequate protection of the
16 public and the likelihood of reasonable rehabilitation of the
17 child if committed to a community services program or
18 facility.

19 (h) The child's educational status, including, but not
20 limited to, the child's strengths, abilities, and unmet and
21 special educational needs. The report shall identify
22 appropriate educational and vocational goals for the child.
23 Examples of appropriate goals include:

24 1. Attainment of a high school diploma or its
25 equivalent.

26 2. Successful completion of literacy course(s).

27 3. Successful completion of vocational course(s).

28 4. Successful attendance and completion of the child's
29 current grade if enrolled in school.

30 5. Enrollment in an apprenticeship or a similar
31 program.

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1

2 It is the intent of the Legislature that the criteria set
3 forth in this subsection are general guidelines to be followed
4 at the discretion of the court and not mandatory requirements
5 of procedure. It is not the intent of the Legislature to
6 provide for the appeal of the disposition made under this
7 section.

8 ~~(7)(3)(a)~~ If the court determines that the child
9 should be adjudicated as having committed a delinquent act and
10 should be committed to the department, such determination
11 shall be in writing or on the record of the hearing. The
12 determination shall include a specific finding of the reasons
13 for the decision to adjudicate and to commit the child to the
14 department, including any determination that the child was a
15 member of a criminal street gang.

16 ~~(a)(b)~~ ~~If the court determines that commitment to the~~
17 ~~department is appropriate,~~ The juvenile probation officer
18 shall recommend to the court the most appropriate placement
19 and treatment plan, specifically identifying the
20 restrictiveness level most appropriate for the child. If the
21 court has determined that the child was a member of a criminal
22 street gang, that determination shall be given great weight in
23 identifying the most appropriate restrictiveness level for the
24 child. The court shall consider the department's
25 recommendation in making its commitment decision.

26 ~~(b)(c)~~ The court shall commit the child to the
27 department at the restrictiveness level identified or may
28 order placement at a different restrictiveness level. The
29 court shall state for the record the reasons that ~~which~~
30 establish by a preponderance of the evidence why the court is
31 disregarding the assessment of the child and the

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1 restrictiveness level recommended by the department. Any party
2 may appeal the court's findings resulting in a modified level
3 of restrictiveness under ~~pursuant to~~ this paragraph.

4 ~~(c)(d)~~ The court may also require that the child be
5 placed in a probation program following the child's discharge
6 from commitment. Community-based sanctions under ~~pursuant to~~
7 subsection ~~(8)(4)~~ may be imposed by the court at the
8 disposition hearing or at any time prior to the child's
9 release from commitment.

10 ~~(e) The court shall be responsible for the~~
11 ~~fingerprinting of any child at the disposition hearing if the~~
12 ~~child has been adjudicated or had adjudication withheld for~~
13 ~~any felony in the case currently before the court.~~

14 ~~(8)(4)~~ If the court determines not to adjudicate and
15 commit to the department, then the court shall determine what
16 community-based sanctions it will impose in a probation
17 program for the child. Community-based sanctions may include,
18 but are not limited to, participation in substance abuse
19 treatment, a day-treatment probation program, restitution in
20 money or in kind, a curfew, revocation or suspension of the
21 driver's license of the child, community service, and
22 appropriate educational programs as determined by the district
23 school board.

24 ~~(9)(5)~~ After appropriate sanctions for the offense are
25 determined, the court shall develop, approve, and order a plan
26 of probation that ~~which~~ will contain rules, requirements,
27 conditions, and rehabilitative programs, including the option
28 of a day-treatment probation program, that ~~which~~ are designed
29 to encourage responsible and acceptable behavior and to
30 promote both the rehabilitation of the child and the
31 protection of the community.

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1 (10) Any disposition order shall be in writing as
2 prepared by the clerk of court and may thereafter be modified
3 or set aside by the court.

4 Section 46. Paragraph (a) of subsection (1) of section
5 985.231, Florida Statutes, is renumbered as section 985.435,
6 Florida Statutes, and amended to read:

7 985.435 Probation and postcommitment probation;
8 community service.--

9 ~~(1)(a)~~ The court that has jurisdiction of an
10 adjudicated delinquent child may, by an order stating the
11 facts upon which a determination of a sanction and
12 rehabilitative program was made at the disposition hearing, ~~+~~

13 ~~+~~ place the child in a probation program or a
14 postcommitment probation program. Such placement must be under
15 the supervision of an authorized agent of the department ~~of~~
16 ~~Juvenile Justice~~ or of any other person or agency specifically
17 authorized and appointed by the court, whether in the child's
18 own home, in the home of a relative of the child, or in some
19 other suitable place under such reasonable conditions as the
20 court may direct.

21 (1) A probation program for an adjudicated delinquent
22 child must include a penalty component such as:

23 (a) Restitution in money or in kind;

24 (b) Community service;

25 (c) A curfew;

26 (d) Revocation or suspension of the driver's license
27 of the child; or

28 (e) Other nonresidential punishment appropriate to the
29 offense.

30 (2) A probation program ~~and~~ must also include a
31 rehabilitative program component such as a requirement of

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1 participation in substance abuse treatment or in school or
 2 other educational program. The nonconsent of the child to
 3 treatment in a substance abuse treatment program in no way
 4 precludes the court from ordering such treatment ~~If the child~~
 5 ~~is attending or is eligible to attend public school and the~~
 6 ~~court finds that the victim or a sibling of the victim in the~~
 7 ~~case is attending or may attend the same school as the child,~~
 8 ~~the court placement order shall include a finding pursuant to~~
 9 ~~the proceedings described in s. 985.23(1)(d).~~ Upon the
 10 recommendation of the department at the time of disposition,
 11 or subsequent to disposition pursuant to the filing of a
 12 petition alleging a violation of the child's conditions of
 13 postcommitment probation, the court may order the child to
 14 submit to random testing for the purpose of detecting and
 15 monitoring the use of alcohol or controlled substances.

16 (3)a- A restrictiveness level classification scale for
 17 levels of supervision shall be provided by the department,
 18 taking into account the child's needs and risks relative to
 19 probation supervision requirements to reasonably ensure the
 20 public safety. Probation programs for children shall be
 21 supervised by the department or by any other person or agency
 22 specifically authorized by the court. These programs must
 23 include, but are not limited to, structured or restricted
 24 activities as described in this section and s. 985.439
 25 ~~subparagraph~~, and shall be designed to encourage the child
 26 toward acceptable and functional social behavior.

27 (4) If supervision or a program of community service
 28 is ordered by the court, the duration of such supervision or
 29 program must be consistent with any treatment and
 30 rehabilitation needs identified for the child and may not
 31 exceed the term for which sentence could be imposed if the

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1 child were committed for the offense, except that the duration
2 of such supervision or program for an offense that is a
3 misdemeanor of the second degree, or is equivalent to a
4 misdemeanor of the second degree, may be for a period not to
5 exceed 6 months. ~~When restitution is ordered by the court, the~~
6 ~~amount of restitution may not exceed an amount the child and~~
7 ~~the parent or guardian could reasonably be expected to pay or~~
8 ~~make. A child who participates in any work program under this~~
9 ~~part is considered an employee of the state for purposes of~~
10 ~~liability, unless otherwise provided by law.~~

11 (5)b. The court may conduct judicial review hearings
12 for a child placed on probation for the purpose of fostering
13 accountability to the judge and compliance with other
14 requirements, such as restitution and community service. The
15 court may allow early termination of probation for a child who
16 has substantially complied with the terms and conditions of
17 probation.

18 c. ~~If the conditions of the probation program or the~~
19 ~~postcommitment probation program are violated, the department~~
20 ~~or the state attorney may bring the child before the court on~~
21 ~~a petition alleging a violation of the program. Any child who~~
22 ~~violates the conditions of probation or postcommitment~~
23 ~~probation must be brought before the court if sanctions are~~
24 ~~sought. A child taken into custody under s. 985.207 for~~
25 ~~violating the conditions of probation or postcommitment~~
26 ~~probation shall be held in a consequence unit if such a unit~~
27 ~~is available. The child shall be afforded a hearing within 24~~
28 ~~hours after being taken into custody to determine the~~
29 ~~existence of probable cause that the child violated the~~
30 ~~conditions of probation or postcommitment probation. A~~
31 ~~consequence unit is a secure facility specifically designated~~

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1 ~~by the department for children who are taken into custody~~
2 ~~under s. 985.207 for violating probation or postcommitment~~
3 ~~probation, or who have been found by the court to have~~
4 ~~violated the conditions of probation or postcommitment~~
5 ~~probation. If the violation involves a new charge of~~
6 ~~delinquency, the child may be detained under s. 985.215 in a~~
7 ~~facility other than a consequence unit. If the child is not~~
8 ~~eligible for detention for the new charge of delinquency, the~~
9 ~~child may be held in the consequence unit pending a hearing~~
10 ~~and is subject to the time limitations specified in s.~~
11 ~~985.215. If the child denies violating the conditions of~~
12 ~~probation or postcommitment probation, the court shall appoint~~
13 ~~counsel to represent the child at the child's request. Upon~~
14 ~~the child's admission, or if the court finds after a hearing~~
15 ~~that the child has violated the conditions of probation or~~
16 ~~postcommitment probation, the court shall enter an order~~
17 ~~revoking, modifying, or continuing probation or postcommitment~~
18 ~~probation. In each such case, the court shall enter a new~~
19 ~~disposition order and, in addition to the sanctions set forth~~
20 ~~in this paragraph, may impose any sanction the court could~~
21 ~~have imposed at the original disposition hearing. If the child~~
22 ~~is found to have violated the conditions of probation or~~
23 ~~postcommitment probation, the court may:~~

24 ~~(I) Place the child in a consequence unit in that~~
25 ~~judicial circuit, if available, for up to 5 days for a first~~
26 ~~violation, and up to 15 days for a second or subsequent~~
27 ~~violation.~~

28 ~~(II) Place the child on home detention with electronic~~
29 ~~monitoring. However, this sanction may be used only if a~~
30 ~~residential consequence unit is not available.~~

31 ~~(III) Modify or continue the child's probation program~~

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1 ~~or postcommitment probation program.~~

2 ~~(IV) Revoke probation or postcommitment probation and~~
3 ~~commit the child to the department.~~

4 ~~d. Notwithstanding s. 743.07 and paragraph (d), and~~
5 ~~except as provided in s. 985.31, the term of any order placing~~
6 ~~a child in a probation program must be until the child's 19th~~
7 ~~birthday unless he or she is released by the court, on the~~
8 ~~motion of an interested party or on its own motion.~~

9 ~~2. Commit the child to a licensed child caring agency~~
10 ~~willing to receive the child, but the court may not commit the~~
11 ~~child to a jail or to a facility used primarily as a detention~~
12 ~~center or facility or shelter.~~

13 ~~3. Commit the child to the Department of Juvenile~~
14 ~~Justice at a residential commitment level defined in s.~~
15 ~~985.03. Such commitment must be for the purpose of exercising~~
16 ~~active control over the child, including, but not limited to,~~
17 ~~custody, care, training, urine monitoring, and treatment of~~
18 ~~the child and release of the child into the community in a~~
19 ~~postcommitment nonresidential conditional release program. If~~
20 ~~the child is eligible to attend public school following~~
21 ~~residential commitment and the court finds that the victim or~~
22 ~~a sibling of the victim in the case is or may be attending the~~
23 ~~same school as the child, the commitment order shall include a~~
24 ~~finding pursuant to the proceedings described in s.~~
25 ~~985.23(1)(d). If the child is not successful in the~~
26 ~~conditional release program, the department may use the~~
27 ~~transfer procedure under s. 985.404. Notwithstanding s. 743.07~~
28 ~~and paragraph (d), and except as provided in s. 985.31, the~~
29 ~~term of the commitment must be until the child is discharged~~
30 ~~by the department or until he or she reaches the age of 21.~~

31 ~~4. Revoke or suspend the driver's license of the~~

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1 ~~child.~~

2 ~~5. Require the child and, if the court finds it~~
3 ~~appropriate, the child's parent or guardian together with the~~
4 ~~child, to render community service in a public service~~
5 ~~program.~~

6 ~~6. As part of the probation program to be implemented~~
7 ~~by the Department of Juvenile Justice, or, in the case of a~~
8 ~~committed child, as part of the community-based sanctions~~
9 ~~ordered by the court at the disposition hearing or before the~~
10 ~~child's release from commitment, order the child to make~~
11 ~~restitution in money, through a promissory note cosigned by~~
12 ~~the child's parent or guardian, or in kind for any damage or~~
13 ~~loss caused by the child's offense in a reasonable amount or~~
14 ~~manner to be determined by the court. The clerk of the circuit~~
15 ~~court shall be the receiving and dispensing agent. In such~~
16 ~~case, the court shall order the child or the child's parent or~~
17 ~~guardian to pay to the office of the clerk of the circuit~~
18 ~~court an amount not to exceed the actual cost incurred by the~~
19 ~~clerk as a result of receiving and dispensing restitution~~
20 ~~payments. The clerk shall notify the court if restitution is~~
21 ~~not made, and the court shall take any further action that is~~
22 ~~necessary against the child or the child's parent or guardian.~~
23 ~~A finding by the court, after a hearing, that the parent or~~
24 ~~guardian has made diligent and good faith efforts to prevent~~
25 ~~the child from engaging in delinquent acts absolves the parent~~
26 ~~or guardian of liability for restitution under this~~
27 ~~subparagraph.~~

28 ~~7. Order the child and, if the court finds it~~
29 ~~appropriate, the child's parent or guardian together with the~~
30 ~~child, to participate in a community work project, either as~~
31 ~~an alternative to monetary restitution or as part of the~~

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~~rehabilitative or probation program.~~

~~8. Commit the child to the Department of Juvenile Justice for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.31. Any commitment of a child to a program or facility for serious or habitual juvenile offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over such child until the child reaches the age of 21, specifically for the purpose of the child completing the program.~~

~~9. In addition to the sanctions imposed on the child, order the parent or guardian of the child to perform community service if the court finds that the parent or guardian did not make a diligent and good faith effort to prevent the child from engaging in delinquent acts. The court may also order the parent or guardian to make restitution in money or in kind for any damage or loss caused by the child's offense. The court shall determine a reasonable amount or manner of restitution, and payment shall be made to the clerk of the circuit court as provided in subparagraph 6.~~

~~10. Subject to specific appropriation, commit the juvenile sexual offender to the Department of Juvenile Justice for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.308. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over a juvenile sexual offender until the juvenile sexual offender reaches the age of 21, specifically~~

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1 ~~for the purpose of completing the program.~~

2 Section 47. Section 985.437, Florida Statutes, is
3 created to read:

4 985.437 Restitution.--

5 (1) The court that has jurisdiction of an adjudicated
6 delinquent child may, by an order stating the facts upon which
7 a determination of a sanction and rehabilitative program was
8 made at the disposition hearing, order the child to make
9 restitution in the manner provided in this section. This order
10 shall be part of the probation program to be implemented by
11 the department or, in the case of a committed child, as part
12 of the community-based sanctions ordered by the court at the
13 disposition hearing or before the child's release from
14 commitment.

15 (2) The court may order the child to make restitution
16 in money, through a promissory note cosigned by the child's
17 parent or guardian, or in kind for any damage or loss caused
18 by the child's offense in a reasonable amount or manner to be
19 determined by the court. When restitution is ordered by the
20 court, the amount of restitution may not exceed an amount the
21 child and the parent or guardian could reasonably be expected
22 to pay or make.

23 (3) The clerk of the circuit court shall be the
24 receiving and dispensing agent. In such case, the court shall
25 order the child or the child's parent or guardian to pay to
26 the office of the clerk of the circuit court an amount not to
27 exceed the actual cost incurred by the clerk as a result of
28 receiving and dispensing restitution payments. The clerk shall
29 notify the court if restitution is not made, and the court
30 shall take any further action that is necessary against the
31 child or the child's parent or guardian.

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1 (4) A finding by the court, after a hearing, that the
2 parent or guardian has made diligent and good faith efforts to
3 prevent the child from engaging in delinquent acts absolves
4 the parent or guardian of liability for restitution under this
5 section.

6 (5) The court may retain jurisdiction over a child and
7 the child's parent or legal guardian whom the court has
8 ordered to pay restitution until the restitution order is
9 satisfied or until the court orders otherwise, as provided in
10 s. 985.0301.

11 Section 48. Section 985.439, Florida Statutes, is
12 created to read:

13 985.439 Violation of probation or postcommitment
14 probation.--

15 (1)(a) This section is applicable when the court has
16 jurisdiction over an adjudicated delinquent child.

17 (b) If the conditions of the probation program or the
18 postcommitment probation program are violated, the department
19 or the state attorney may bring the child before the court on
20 a petition alleging a violation of the program. Any child who
21 violates the conditions of probation or postcommitment
22 probation must be brought before the court if sanctions are
23 sought.

24 (2) A child taken into custody under s. 985.101 for
25 violating the conditions of probation or postcommitment
26 probation shall be held in a consequence unit if such a unit
27 is available. The child shall be afforded a hearing within 24
28 hours after being taken into custody to determine the
29 existence of probable cause that the child violated the
30 conditions of probation or postcommitment probation. A

31 consequence unit is a secure facility specifically designated

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1 by the department for children who are taken into custody
 2 under s. 985.101 for violating probation or postcommitment
 3 probation, or who have been found by the court to have
 4 violated the conditions of probation or postcommitment
 5 probation. If the violation involves a new charge of
 6 delinquency, the child may be detained under part V in a
 7 facility other than a consequence unit. If the child is not
 8 eligible for detention for the new charge of delinquency, the
 9 child may be held in the consequence unit pending a hearing
 10 and is subject to the time limitations specified in part V.

11 (3) If the child denies violating the conditions of
 12 probation or postcommitment probation, the court shall, upon
 13 the child's request, appoint counsel to represent the child.

14 (4) Upon the child's admission, or if the court finds
 15 after a hearing that the child has violated the conditions of
 16 probation or postcommitment probation, the court shall enter
 17 an order revoking, modifying, or continuing probation or
 18 postcommitment probation. In each such case, the court shall
 19 enter a new disposition order and, in addition to the
 20 sanctions set forth in this section, may impose any sanction
 21 the court could have imposed at the original disposition
 22 hearing. If the child is found to have violated the conditions
 23 of probation or postcommitment probation, the court may:

24 (a) Place the child in a consequence unit in that
 25 judicial circuit, if available, for up to 5 days for a first
 26 violation and up to 15 days for a second or subsequent
 27 violation.

28 (b) Place the child on home detention with electronic
 29 monitoring. However, this sanction may be used only if a
 30 residential consequence unit is not available.

31 (c) Modify or continue the child's probation program

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1 or postcommitment probation program.

2 (d) Revoke probation or postcommitment probation and
3 commit the child to the department.

4 (5) Upon the recommendation of the department at the
5 time of disposition, or subsequent to disposition pursuant to
6 the filing of a petition alleging a violation of the child's
7 conditions of postcommitment probation, the court may order
8 the child to submit to random testing for the purpose of
9 detecting and monitoring the use of alcohol or controlled
10 substances.

11 Section 49. Section 985.441, Florida Statutes, is
12 created to read:

13 985.441 Commitment.--

14 (1) The court that has jurisdiction of an adjudicated
15 delinquent child may, by an order stating the facts upon which
16 a determination of a sanction and rehabilitative program was
17 made at the disposition hearing:

18 (a) Commit the child to a licensed child-caring agency
19 willing to receive the child; however, the court may not
20 commit the child to a jail or to a facility used primarily as
21 a detention center or facility or shelter.

22 (b) Commit the child to the department at a
23 residential commitment level defined in s. 985.03. Such
24 commitment must be for the purpose of exercising active
25 control over the child, including, but not limited to,
26 custody, care, training, urine monitoring, and treatment of
27 the child and release of the child into the community in a
28 postcommitment nonresidential conditional release program. If
29 the child is not successful in the conditional release
30 program, the department may use the transfer procedure under
31 subsection (3).

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1 (c) Commit the child to the Department of Juvenile
2 Justice for placement in a program or facility for serious or
3 habitual juvenile offenders in accordance with s. 985.47.

4 1. Following a delinquency adjudicatory hearing under
5 s. 985.35 and a delinquency disposition hearing under s.
6 985.433 that results in a commitment determination, the court
7 shall, on its own or upon request by the state or the
8 department, determine whether the protection of the public
9 requires that the child be placed in a program for serious or
10 habitual juvenile offenders and whether the particular needs
11 of the child would be best served by a program for serious or
12 habitual juvenile offenders as provided in s. 985.47. The
13 determination shall be made under ss. 985.47(1) and
14 985.433(7).

15 2. Any commitment of a child to a program or facility
16 for serious or habitual juvenile offenders must be for an
17 indeterminate period of time, but the time may not exceed the
18 maximum term of imprisonment that an adult may serve for the
19 same offense.

20 (d) Commit the child to the department for placement
21 in a program or facility for juvenile sexual offenders in
22 accordance with s. 985.48, subject to specific appropriation
23 for such a program or facility.

24 1. The child may only be committed for such placement
25 pursuant to determination that the child is a juvenile sexual
26 offender under the criteria specified in s. 985.475.

27 2. Any commitment of a juvenile sexual offender to a
28 program or facility for juvenile sexual offenders must be for
29 an indeterminate period of time, but the time may not exceed
30 the maximum term of imprisonment that an adult may serve for
31 the same offense.

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(2) The nonconsent of the child to commitment or treatment in a substance abuse treatment program in no way precludes the court from ordering such commitment or treatment.

(3) The department may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program to another facility or program operated, contracted, subcontracted, or designated by the department, including a postcommitment nonresidential conditional release program. The department shall notify the court that committed the child to the department and any attorney of record for the child, in writing, of its intent to transfer the child from a commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.

Section 50. Section 985.232, Florida Statutes, is renumbered as section 985.442, Florida Statutes.

Section 51. Paragraph (j) of subsection (1) of section 985.231, Florida Statutes, is renumbered as section 985.445, Florida Statutes, and amended to read:

985.445 985.231 Powers of disposition in delinquency Cases involving grand theft of a motor vehicle.--

~~(1)~~

~~(j)~~ If the offense committed by the child was grand theft of a motor vehicle, the court:

~~(1)~~ Upon a first adjudication for a grand theft of a motor vehicle, may place the youth in a boot camp, unless the

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1 child is ineligible under ~~pursuant to~~ s. 985.489 ~~985.309~~, and
2 shall order the youth to complete a minimum of 50 hours of
3 community service.

4 ~~(2)2-~~ Upon a second adjudication for grand theft of a
5 motor vehicle which is separate and unrelated to the previous
6 adjudication, may place the youth in a boot camp, unless the
7 child is ineligible under ~~pursuant to~~ s. 985.489 ~~985.309~~, and
8 shall order the youth to complete a minimum of 100 hours of
9 community service.

10 ~~(3)3-~~ Upon a third adjudication for grand theft of a
11 motor vehicle which is separate and unrelated to the previous
12 adjudications, shall place the youth in a boot camp or other
13 treatment program, unless the child is ineligible under
14 ~~pursuant to~~ s. 985.489 ~~985.309~~, and shall order the youth to
15 complete a minimum of 250 hours of community service.

16 Section 52. Paragraph (g) of subsection (1) of section
17 985.231, Florida Statutes, is renumbered as section 985.45,
18 Florida Statutes, and amended to read:

19 985.45 Liability and remuneration for work.--

20 ~~(1)(g)~~ Whenever a child is required by the court to
21 participate in any work program under this part or whenever a
22 child volunteers to work in a specified state, county,
23 municipal, or community service organization supervised work
24 program or to work for the victim, either as an alternative to
25 monetary restitution or as a part of the rehabilitative or
26 probation program, the child is an employee of the state for
27 the purposes of liability.

28 (2) In determining the child's average weekly wage
29 unless otherwise determined by a specific funding program, all
30 remuneration received from the employer is a gratuity, and the
31 child is not entitled to any benefits otherwise payable under

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1 s. 440.15, regardless of whether the child may be receiving
2 wages and remuneration from other employment with another
3 employer and regardless of the child's future wage-earning
4 capacity.

5 Section 53. Paragraph (d) of subsection (1) of section
6 985.231, Florida Statutes, is amended and renumbered as
7 subsection (3) of section 985.455, Florida Statutes, and
8 paragraph (h) of subsection (1) of section 985.231, Florida
9 Statutes, is renumbered as subsection (4) of section 985.455,
10 Florida Statutes, which is created to read:

11 985.455 Other dispositional issues.-

12 (1) The court that has jurisdiction over an
13 adjudicated delinquent child may, by an order stating the
14 facts upon which a determination of a sanction and
15 rehabilitative program was made at the disposition hearing:

16 (a) Require the child and, if the court finds it
17 appropriate, the child's parent or guardian together with the
18 child to render community service in a public service program.

19 (b) Order the child and, if the court finds it
20 appropriate, the child's parent or guardian together with the
21 child to participate in a community work project, either as an
22 alternative to monetary restitution or as part of the
23 rehabilitative or probation program.

24 (c) Revoke or suspend the driver's license of the
25 child.

26 (2) If the child is attending or is eligible to attend
27 public school and the court finds that the victim or a sibling
28 of the victim in the case is attending or may attend the same
29 school as the child, the court shall, on its own motion or
30 upon the request of any party or any parent or legal guardian
31 of the victim, determine whether it is appropriate to enter a

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1 no contact order in favor of the victim or a sibling of the
2 victim. If appropriate and acceptable to the victim and the
3 victim's parent or parents or legal guardian, the court may
4 reflect in the written disposition order that the victim or
5 the victim's parent or parents or legal guardian stated in
6 writing or in open court that he or she did not object to the
7 offender being permitted to attend the same school or ride on
8 the same school bus as the victim or a sibling of the victim.
9 If applicable, the court placement or commitment order shall
10 include a finding under this subsection.

11 ~~(1)~~

12 (3)~~(d)~~ Any commitment of a delinquent child to the
13 department of ~~Juvenile Justice~~ must be for an indeterminate
14 period of time, which may include periods of temporary
15 release, but the time may not exceed the maximum term of
16 imprisonment that an adult may serve for the same offense. The
17 duration of the child's placement in a residential commitment
18 program of any level shall be based on objective
19 performance-based treatment planning. The child's treatment
20 plan progress and adjustment-related issues shall be reported
21 to the court each month. The child's length of stay in a
22 residential commitment program may be extended if the child
23 fails to comply with or participate in treatment activities.
24 The child's length of stay in such program shall not be
25 extended for purposes of sanction or punishment. Any temporary
26 release from such program must be approved by the court. Any
27 child so committed may be discharged from institutional
28 confinement or a program upon the direction of the department
29 with the concurrence of the court. The child's treatment plan
30 progress and adjustment-related issues must be communicated to
31 the court at the time the department requests the court to

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1 consider releasing the child from the residential commitment
 2 program. ~~Notwithstanding s. 743.07 and this subsection, and~~
 3 ~~except as provided in ss. 985.201 and 985.31, a child may not~~
 4 ~~be held under a commitment from a court pursuant to this~~
 5 ~~section after becoming 21 years of age.~~ The department shall
 6 give the court that committed the child to the department
 7 reasonable notice, in writing, of its desire to discharge the
 8 child from a commitment facility. The court that committed the
 9 child may thereafter accept or reject the request. If the
 10 court does not respond within 10 days after receipt of the
 11 notice, the request of the department shall be deemed granted.
 12 This section does not limit the department's authority to
 13 revoke a child's temporary release status and return the child
 14 to a commitment facility for any violation of the terms and
 15 conditions of the temporary release.

16 ~~(4)(h)~~ The court may, upon motion of the child or upon
 17 its own motion, within 60 days after imposition of a
 18 disposition of commitment, suspend the further execution of
 19 the disposition and place the child in a probation program
 20 upon such terms and conditions as the court may require. The
 21 department shall forward to the court all relevant material on
 22 the child's progress while in custody not later than 3 working
 23 days prior to the hearing on the motion to suspend the
 24 disposition.

25 Section 54. Section 985.316, Florida Statutes, is
 26 renumbered as section 985.46, Florida Statutes, and subsection
 27 (4) of that section is amended to read:

28 985.46 ~~985.316~~ Conditional release.--

29 (4) A juvenile under nonresidential commitment
 30 placement will continue to be on commitment status and subject
 31 to the transfer provision under s. 985.441(3) ~~985.404~~.

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Section 55. Section 985.313, Florida Statutes, is renumbered as section 985.465, Florida Statutes, and amended to read:

985.465 ~~985.313~~ Juvenile correctional facilities or juvenile prison.--A juvenile correctional facility or juvenile prison is a physically secure residential commitment program with a designated length of stay from 18 months to 36 months, primarily serving children 13 years of age to 19 years of age, or until the jurisdiction of the court expires. ~~The court may retain jurisdiction over the child until the child reaches the age of 21, specifically for the purpose of the child completing the program.~~ Each child committed to this level must meet one of the following criteria:

(1) The child ~~youth~~ is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

- (a) Arson;
- (b) Sexual battery;
- (c) Robbery;
- (d) Kidnapping;
- (e) Aggravated child abuse;
- (f) Aggravated assault;
- (g) Aggravated stalking;
- (h) Murder;
- (i) Manslaughter;
- (j) Unlawful throwing, placing, or discharging of a destructive device or bomb;
- (k) Armed burglary;
- (l) Aggravated battery;
- (m) Carjacking;
- (n) Home-invasion robbery;

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1 (o) Burglary with an assault or battery;

2 (p) Any lewd or lascivious offense committed upon or
3 in the presence of a person less than 16 years of age; or

4 (q) Carrying, displaying, using, threatening to use,
5 or attempting to use a weapon or firearm during the commission
6 of a felony.

7 (2) The child ~~youth~~ is at least 13 years of age at the
8 time of the disposition, the current offense is a felony, and
9 the child has previously been committed three or more times to
10 a delinquency commitment program.

11 (3) The child ~~youth~~ is at least 13 years of age and is
12 currently committed for a felony offense and transferred from
13 a moderate-risk or high-risk residential commitment placement.

14 (4) The child ~~youth~~ is at least 13 years of age at the
15 time of the disposition for the current offense, the child
16 ~~youth~~ is eligible for prosecution as an adult for the current
17 offense, and the current offense is ranked at level 7 or
18 higher on the Criminal Punishment Code offense severity
19 ranking chart pursuant to s. 921.0022.

20 Section 56. Subsection (48) of section 985.03, Florida
21 Statutes, is amended and renumbered as subsection (1) of
22 section 985.47, Florida Statutes, subsections (2), (4), and
23 (5) of section 985.31, Florida Statutes are amended and
24 renumbered, respectively, as subsections (9), (11), and (12)
25 of section 985.47, Florida Statutes, paragraphs (e) through
26 (i) and (k) of subsection (3) of section 985.31, Florida
27 Statutes, are amended and renumbered, respectively, as
28 subsections (2) through (6) and (7) of section 985.47, Florida
29 Statutes, subsection (1) of section 985.31, Florida Statutes,
30 is renumbered as subsection (8) of section 985.47, Florida

31 Statutes, and paragraphs (a) through (d) and (j) of subsection

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1 (3) of section 985.31, Florida Statutes, are renumbered,
2 respectively, as paragraphs (a) through (d) and (e) of
3 subsection (10) of section 985.47, Florida Statutes, and
4 amended to read:

5 985.47 ~~985.31~~ Serious or habitual juvenile offender.--

6 ~~(1)(48)~~ CRITERIA.--A "serious or habitual juvenile
7 offender," for purposes of commitment to a residential
8 facility and for purposes of records retention, means a child
9 who has been found to have committed a delinquent act or a
10 violation of law, in the case currently before the court, and
11 who meets at least one of the following criteria:

12 (a) The child ~~youth~~ is at least 13 years of age at the
13 time of the disposition for the current offense and has been
14 adjudicated on the current offense for:

- 15 1. Arson;
- 16 2. Sexual battery;
- 17 3. Robbery;
- 18 4. Kidnapping;
- 19 5. Aggravated child abuse;
- 20 6. Aggravated assault;
- 21 7. Aggravated stalking;
- 22 8. Murder;
- 23 9. Manslaughter;
- 24 10. Unlawful throwing, placing, or discharging of a
25 destructive device or bomb;
- 26 11. Armed burglary;
- 27 12. Aggravated battery;
- 28 13. Any lewd or lascivious offense committed upon or
29 in the presence of a person less than 16 years of age; or
30 14. Carrying, displaying, using, threatening, or

31 attempting to use a weapon or firearm during the commission of

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1 a felony.

2 (b) The child ~~youth~~ is at least 13 years of age at the
3 time of the disposition, the current offense is a felony, and
4 the child has previously been committed at least two times to
5 a delinquency commitment program.

6 (c) The child ~~youth~~ is at least 13 years of age and is
7 currently committed for a felony offense and transferred from
8 a moderate-risk or high-risk residential commitment placement.

9 ~~(2)(3)(e)~~ DETERMINATION.-- After a child has been
10 adjudicated delinquent under ~~pursuant to~~ s. 985.35 ~~985.228~~ ,
11 the court shall determine whether the child meets the criteria
12 for a serious or habitual juvenile offender under subsection
13 ~~(1) pursuant to s. 985.03(48)~~. If the court determines that
14 the child does not meet such criteria, ss. 985.435, 985.437,
15 985.439, 985.441, 985.445, 985.45, and 985.455 ~~the provisions~~
16 ~~of s. 985.231(1)~~ shall apply.

17 ~~(3)(f)~~ PLACEMENT RECOMMENDATIONS.--After a child has
18 been transferred for criminal prosecution, a circuit court
19 judge may direct a juvenile probation officer to consult with
20 designated staff from an appropriate serious or habitual
21 juvenile offender program for the purpose of making
22 recommendations to the court regarding the child's placement
23 in such program.

24 ~~(4)(g)~~ TIME AND PLACE FOR
25 RECOMMENDATIONS.--Recommendations as to a child's placement in
26 a serious or habitual juvenile offender program shall be
27 presented to the court within 72 hours after the adjudication
28 or conviction, and may be based on a preliminary screening of
29 the child at appropriate sites, considering the child's
30 location while court action is pending, which may include the
31 nearest regional detention center or facility or jail.

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1 ~~(5)(h)~~ REPORTING RECOMMENDATIONS TO COURT.--Based on
2 the recommendations of the multidisciplinary assessment, the
3 juvenile probation officer shall make the following
4 recommendations to the court:

5 ~~(a)1-~~ For each child who has not been transferred for
6 criminal prosecution, the juvenile probation officer shall
7 recommend whether placement in such program is appropriate and
8 needed.

9 ~~(b)2-~~ For each child who has been transferred for
10 criminal prosecution, the juvenile probation officer shall
11 recommend whether the most appropriate placement for the child
12 is a juvenile justice system program, including a serious or
13 habitual juvenile offender program or facility, or placement
14 in the adult correctional system.

15
16 If treatment provided by a serious or habitual juvenile
17 offender program or facility is determined to be appropriate
18 and needed and placement is available, the juvenile probation
19 officer and the court shall identify the appropriate serious
20 or habitual juvenile offender program or facility best suited
21 to the needs of the child.

22 ~~(6)(i)~~ ACTION ON RECOMMENDATIONS.--The treatment and
23 placement recommendations shall be submitted to the court for
24 further action under ~~pursuant to~~ this subsection ~~paragraph~~:

25 ~~(a)1-~~ If it is recommended that placement in a serious
26 or habitual juvenile offender program or facility is
27 inappropriate, the court shall make an alternative disposition
28 under ~~pursuant to~~ s. 985.489 ~~985.309~~ or other alternative
29 sentencing as applicable, using ~~utilizing~~ the recommendation
30 as a guide.

31 ~~(b)2-~~ If it is recommended that placement in a serious

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1 or habitual juvenile offender program or facility is
2 appropriate, the court may commit the child to the department
3 for placement in the restrictiveness level designated for
4 serious or habitual delinquent children programs.

5 ~~(7)(*)~~ DURATION OF COMMITMENT.--Any commitment of a
6 child to the department for placement in a serious or habitual
7 juvenile offender program or facility shall be for an
8 indeterminate period of time, but the time shall not exceed
9 the maximum term of imprisonment that ~~which~~ an adult may serve
10 for the same offense. ~~Notwithstanding the provisions of ss.~~
11 ~~743.07 and 985.231(1)(d), a serious or habitual juvenile~~
12 ~~offender shall not be held under commitment from a court~~
13 ~~pursuant to this section, s. 985.231, or s. 985.233 after~~
14 ~~becoming 21 years of age. This provision shall apply only for~~
15 ~~the purpose of completing the serious or habitual juvenile~~
16 ~~offender program pursuant to this chapter and shall be used~~
17 ~~solely for the purpose of treatment.~~

18 ~~(8)(1)~~ ASSESSMENT AND TREATMENT SERVICES.--Pursuant to
19 ~~the provisions of~~ this chapter and the establishment of
20 appropriate program guidelines and standards, contractual
21 instruments, which shall include safeguards of all
22 constitutional rights, shall be developed as follows:

23 (a) The department shall provide for:

24 1. The oversight of implementation of assessment and
25 treatment approaches.

26 2. The identification and prequalification of
27 appropriate individuals or not-for-profit organizations,
28 including minority individuals or organizations when possible,
29 to provide assessment and treatment services to serious or
30 habitual delinquent children.

31 3. The monitoring and evaluation of assessment and

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1 treatment services for compliance with ~~the provisions of this~~
2 chapter and all applicable rules and guidelines pursuant
3 thereto.

4 4. The development of an annual report on the
5 performance of assessment and treatment to be presented to the
6 Governor, the Attorney General, the President of the Senate,
7 the Speaker of the House of Representatives, and the Auditor
8 General no later than January 1 of each year.

9 (b) Assessment shall generally comprise the first 30
10 days of treatment and be provided by the same provider as
11 treatment, but assessment and treatment services may be
12 provided by separate providers, where warranted. Providers
13 shall be selected who have the capacity to assess and treat
14 the unique problems presented by children with different
15 racial and ethnic backgrounds. The department shall retain
16 contractual authority to reject any assessment or treatment
17 provider for lack of qualification.

18 ~~(9)(2)~~ SERIOUS OR HABITUAL JUVENILE OFFENDER
19 PROGRAM.--

20 (a) There is created the serious or habitual juvenile
21 offender program. The program shall consist of at least 9
22 months of intensive secure residential treatment. Conditional
23 release assessment and services shall be provided in
24 accordance with s. 985.46 ~~985.316~~. The components of the
25 program shall include, but not be limited to:

26 1. Diagnostic evaluation services.
27 2. Appropriate treatment modalities, including
28 substance abuse intervention, mental health services, and
29 sexual behavior dysfunction interventions and gang-related
30 behavior interventions.

31 3. Prevocational and vocational services.

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- 1 4. Job training, job placement, and
2 employability-skills training.
- 3 5. Case management services.
- 4 6. Educational services, including special education
5 and pre-GED literacy.
- 6 7. Self-sufficiency planning.
- 7 8. Independent living skills.
- 8 9. Parenting skills.
- 9 10. Recreational and leisure time activities.
- 10 11. Community involvement opportunities commencing,
11 where appropriate, with the direct and timely payment of
12 restitution to the victim.
- 13 12. Intensive conditional release supervision.
- 14 13. Graduated reentry into the community.
- 15 14. A diversity of forms of individual and family
16 treatment appropriate to and consistent with the child's
17 needs.
- 18 15. Consistent and clear consequences for misconduct.
- 19 (b) The department is authorized to contract with
20 private companies to provide some or all of the components
21 indicated in paragraph (a).
- 22 (c) The department shall involve local law enforcement
23 agencies, the judiciary, school board personnel, the office of
24 the state attorney, the office of the public defender, and
25 community service agencies interested in or currently working
26 with juveniles, in planning and developing this program.
- 27 (d) The department is authorized to accept funds or
28 in-kind contributions from public or private sources to be
29 used for the purposes of this section.

30 ~~(10)(3)~~ PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT
31 AND TREATMENT.--

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1 (a) Assessment and treatment shall be conducted by
2 treatment professionals with expertise in specific treatment
3 procedures. ~~These, which~~ professionals shall exercise all
4 professional judgment independently of the department.

5 (b) Treatment provided to children in designated
6 facilities shall be suited to the assessed needs of each
7 individual child and shall be administered safely and
8 humanely, with respect for human dignity.

9 (c) The department may promulgate rules for the
10 implementation and operation of programs and facilities for
11 serious or habitual juvenile offenders.

12 (d) Any provider who acts in good faith is immune from
13 civil or criminal liability for his or her actions in
14 connection with the assessment, treatment, or transportation
15 of a serious or habitual juvenile offender under ~~the~~
16 ~~provisions of~~ this chapter.

17 ~~(e)(j)~~ The following provisions shall apply to
18 children in serious or habitual juvenile offender programs and
19 facilities:

20 1. A child shall begin participation in the
21 conditional release component of the program based upon a
22 determination made by the treatment provider and approved by
23 the department.

24 2. A child shall begin participation in the community
25 supervision component of conditional release based upon a
26 determination made by the treatment provider and approved by
27 the department. The treatment provider shall give written
28 notice of the determination to the circuit court having
29 jurisdiction over the child. If the court does not respond
30 with a written objection within 10 days, the child shall begin
31 the conditional release component.

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1 3. A child shall be discharged from the program based
2 upon a determination made by the treatment provider with the
3 approval of the department.

4 4. In situations where the department does not agree
5 with the decision of the treatment provider, a reassessment
6 shall be performed, and the department shall use ~~utilize~~ the
7 reassessment determination to resolve the disagreement and
8 make a final decision.

9 ~~(11)(4)~~ ASSESSMENTS, TESTING, RECORDS, AND
10 INFORMATION.--

11 (a) Pursuant to ~~the provisions of~~ this section, the
12 department shall implement the comprehensive assessment
13 instrument for the treatment needs of serious or habitual
14 juvenile offenders and for the assessment, which assessment
15 shall include the criteria under subsection (1) ~~s. 985.03(48)~~
16 and shall also include, but not be limited to, evaluation of
17 the child's:

- 18 1. Amenability to treatment.
- 19 2. Proclivity toward violence.
- 20 3. Tendency toward gang involvement.
- 21 4. Substance abuse or addiction and the level thereof.
- 22 5. History of being a victim of child abuse or sexual
23 abuse, or indication of sexual behavior dysfunction.
- 24 6. Number and type of previous adjudications, findings
25 of guilt, and convictions.
- 26 7. Potential for rehabilitation.

27 (b) The department shall contract with multiple
28 individuals or not-for-profit organizations to perform the
29 assessments and treatment, and shall ensure that the staff of
30 each provider is ~~are~~ appropriately trained.

31 (c) Assessment and treatment providers shall have a

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1 written procedure developed, in consultation with licensed
2 treatment professionals, establishing conditions under which a
3 child's blood and urine samples will be tested for substance
4 abuse indications. ~~It is not unlawful for~~ The person receiving
5 the test results may ~~to~~ divulge the test results to the
6 relevant facility staff and department personnel; however,
7 such information is exempt from ~~the provisions of~~ ss. 119.01
8 and 119.07(1) and s. 24(a), Art. I of the State Constitution.

9 (d) Serologic blood test and urinalysis results
10 obtained under ~~pursuant to~~ paragraph (c) are confidential,
11 except that they may be shared with employees or officers of
12 the department, the court, and any assessment or treatment
13 provider and designated facility treating the child. No person
14 to whom the results of a test have been disclosed under this
15 section may disclose the test results to another person not
16 authorized under this section.

17 (e) The results of any serologic blood or urine test
18 on a serious or habitual juvenile offender shall become a part
19 of that child's medical file. Upon transfer of the child to
20 any other designated treatment facility, such file shall be
21 transferred in an envelope marked confidential. The results of
22 any test designed to identify the human immunodeficiency
23 virus, or its antigen or antibody, shall be accessible only to
24 persons designated by rule of the department. The provisions
25 of such rule shall be consistent with the guidelines
26 established by the Centers for Disease Control and Prevention.

27 (f) A record of the assessment and treatment of each
28 serious or habitual juvenile offender shall be maintained by
29 the provider, which shall include data pertaining to the
30 child's treatment and such other information as may be

31 required under rules of the department. Unless waived by

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1 express and informed consent by the child or the guardian or,
2 if the child is deceased, by the child's personal
3 representative or by the person who stands next in line of
4 intestate succession, the privileged and confidential status
5 of the clinical assessment and treatment record shall not be
6 lost by either authorized or unauthorized disclosure to any
7 person, organization, or agency.

8 (g) The assessment and treatment record shall not be a
9 public record, and no part of it shall be released, except
10 that:

11 1. The record shall be released to such persons and
12 agencies as are designated by the child or the guardian.

13 2. The record shall be released to persons authorized
14 by order of court, excluding matters privileged by other
15 provisions of law.

16 3. The record or any part thereof shall be disclosed
17 to a qualified researcher, as defined by rule; a staff member
18 of the designated treatment facility; or an employee of the
19 department when the administrator of the facility or the
20 Secretary of Juvenile Justice deems it necessary for treatment
21 of the child, maintenance of adequate records, compilation of
22 treatment data, or evaluation of programs.

23 4. Information from the assessment and treatment
24 record may be used for statistical and research purposes if
25 the information is abstracted in such a way as to protect the
26 identity of individuals.

27 (h) Notwithstanding other provisions of this section,
28 the department may request, receive, and provide assessment
29 and treatment information to facilitate treatment,
30 rehabilitation, and continuity of care of any serious or
31 habitual juvenile offender from any of the following:

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1 1. The Social Security Administration and the United
2 States Department of Veterans Affairs.

3 2. Law enforcement agencies, state attorneys, defense
4 attorneys, and judges in regard to the child's status.

5 3. Personnel in any facility in which the child may be
6 placed.

7 4. Community agencies and others expected to provide
8 services to the child upon his or her return to the community.

9 (i) Any law enforcement agency, designated treatment
10 facility, governmental or community agency, or other entity
11 that receives information under ~~pursuant to~~ this section shall
12 maintain such information as a nonpublic record as otherwise
13 provided herein.

14 (j) Any agency, not-for-profit organization, or
15 treatment professional who acts in good faith in releasing
16 information under ~~pursuant to~~ this subsection shall not be
17 subject to civil or criminal liability for such release.

18 (k) Assessment and treatment records are confidential
19 as described in this paragraph and exempt from ~~the provisions~~
20 ~~of~~ s. 119.07(1) and s. 24(a), Art. I of the State
21 Constitution.

22 1. The department shall have full access to the
23 assessment and treatment records to ensure coordination of
24 services to the child.

25 2. The principles of confidentiality of records ~~as~~
26 provided in s. 985.04 ~~shall~~ apply to the assessment and
27 treatment records of serious or habitual juvenile offenders.

28 (1) For purposes of effective administration, accurate
29 tracking and recordkeeping, and optimal treatment decisions,
30 each assessment and treatment provider shall maintain a
31 central identification file on the serious or habitual

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1 juvenile offenders it treats.

2 (m) The file of each serious or habitual juvenile
3 offender shall contain, but is not limited to, pertinent
4 children-in-need-of-services and delinquency record
5 information maintained by the department; pertinent school
6 records information on behavior, attendance, and achievement;
7 and pertinent information on delinquency or children in need
8 of services maintained by law enforcement agencies and the
9 state attorney.

10 (n) All providers under this section shall, as part of
11 their contractual duties, collect, maintain, and report to the
12 department all information necessary to comply with mandatory
13 reporting pursuant to the promulgation of rules by the
14 department for the implementation of serious or habitual
15 juvenile offender programs and the monitoring and evaluation
16 thereof.

17 (o) The department is responsible for the development
18 and maintenance of a statewide automated tracking system for
19 serious or habitual juvenile offenders.

20 ~~(12)(5)~~ DESIGNATED TREATMENT FACILITIES.--

21 (a) Designated facilities shall be sited and
22 constructed by the department, directly or by contract,
23 pursuant to departmental rules, to ensure that facility design
24 is compatible with treatment. The department is authorized to
25 contract for the construction of the facilities and may also
26 lease facilities. The number of beds per facility shall not
27 exceed 25. An assessment of need for additional facilities
28 shall be conducted prior to the siting or construction of more
29 than one facility in any judicial circuit.

30 (b) Designated facilities for serious or habitual
31 juvenile offenders shall be separate and secure facilities

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1 established under the authority of the department for the
2 treatment of such children.

3 (c) Security for designated facilities for serious or
4 habitual juvenile offenders shall be determined by the
5 department. The department is authorized to contract for the
6 provision of security.

7 (d) With respect to the treatment of serious or
8 habitual juvenile offenders under this section, designated
9 facilities shall be immune from liability for civil damages
10 except in instances when the failure to act in good faith
11 results in serious injury or death, in which case liability
12 shall be governed by s. 768.28.

13 (e) Minimum standards and requirements for designated
14 treatment facilities shall be contractually prescribed under
15 ~~pursuant to~~ subsection (8)~~(1)~~.

16 Section 57. Subsection (31) of section 985.03, Florida
17 Statutes, is amended and renumbered as subsection (1) of
18 section 985.475, Florida Statutes, and subsection (3) of
19 section 985.231, Florida Statutes, is amended and renumbered
20 as subsection (2) of section 985.475, Florida Statutes, to
21 read:

22 985.475 Juvenile sexual offenders.--

23 (1)(31) CRITERIA.--A "juvenile sexual offender" means:

24 (a) A juvenile who has been found by the court under
25 ~~pursuant to~~ s. 985.35 ~~985.228~~ to have committed a violation of
26 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
27 847.0133;

28 (b) A juvenile found to have committed any felony
29 violation of law or delinquent act involving juvenile sexual
30 abuse. "Juvenile sexual abuse" means any sexual behavior which
31 occurs without consent, without equality, or as a result of

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1 coercion. For purposes of this subsection, the following
2 definitions apply:

3 1. "Coercion" means the exploitation of authority, use
4 of bribes, threats of force, or intimidation to gain
5 cooperation or compliance.

6 2. "Equality" means two participants operating with
7 the same level of power in a relationship, neither being
8 controlled nor coerced by the other.

9 3. "Consent" means an agreement including all of the
10 following:

11 a. Understanding what is proposed based on age,
12 maturity, developmental level, functioning, and experience.

13 b. Knowledge of societal standards for what is being
14 proposed.

15 c. Awareness of potential consequences and
16 alternatives.

17 d. Assumption that agreement or disagreement will be
18 accepted equally.

19 e. Voluntary decision.

20 f. Mental competence.

21

22 Juvenile sexual offender behavior ranges from noncontact
23 sexual behavior such as making obscene phone calls,
24 exhibitionism, voyeurism, and the showing or taking of lewd
25 photographs to varying degrees of direct sexual contact, such
26 as frottage, fondling, digital penetration, rape, fellatio,
27 sodomy, and various other sexually aggressive acts.

28 ~~(2)(3)~~ Following a delinquency adjudicatory hearing
29 ~~under~~ ~~pursuant to s. 985.35~~ ~~985.228~~, the court may on its own
30 or upon request by the state or the department and subject to
31 specific appropriation, determine whether a juvenile sexual

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1 offender placement is required for the protection of the
2 public and what would be the best approach to address the
3 treatment needs of the juvenile sexual offender. When the
4 court determines that a juvenile has no history of a recent
5 comprehensive assessment focused on sexually deviant behavior,
6 the court may, subject to specific appropriation, order the
7 department to conduct or arrange for an examination to
8 determine whether the juvenile sexual offender is amenable to
9 community-based treatment.

10 (a) The report of the examination shall include, at a
11 minimum, the following:

12 1. The juvenile sexual offender's account of the
13 incident and the official report of the investigation.

14 2. The juvenile sexual offender's offense history.

15 3. A multidisciplinary assessment of the sexually
16 deviant behaviors, including an assessment by a certified
17 psychologist, therapist, or psychiatrist.

18 4. An assessment of the juvenile sexual offender's
19 family, social, educational, and employment situation. The
20 report shall set forth the sources of the evaluator's
21 information.

22 (b) The report shall assess the juvenile sexual
23 offender's amenability to treatment and relative risk to the
24 victim and the community.

25 (c) The department shall provide a proposed plan to
26 the court that shall include, at a minimum:

27 1. The frequency and type of contact between the
28 offender and therapist.

29 2. The specific issues and behaviors to be addressed
30 in the treatment and description of planned treatment methods.

31 3. Monitoring plans, including any requirements

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1 regarding living conditions, school attendance and
2 participation, lifestyle, and monitoring by family members,
3 legal guardians, or others.

4 4. Anticipated length of treatment.

5 5. Recommended crime-related prohibitions and curfew.

6 6. Reasonable restrictions on the contact between the
7 juvenile sexual offender and either the victim or alleged
8 victim.

9 (d) After receipt of the report on the proposed plan
10 of treatment, the court shall consider whether the community
11 and the offender will benefit from use of juvenile sexual
12 offender community-based treatment alternative disposition and
13 consider the opinion of the victim or the victim's family as
14 to whether the offender should receive a community-based
15 treatment alternative disposition under this subsection.

16 (e) If the court determines that this juvenile sexual
17 offender community-based treatment alternative is appropriate,
18 the court may place the offender on community supervision for
19 up to 3 years. As a condition of community treatment and
20 supervision, the court may order the offender to:

21 1. Undergo available outpatient juvenile sexual
22 offender treatment for up to 3 years. A program or provider
23 may not be used for such treatment unless it has an
24 appropriate program designed for sexual offender treatment.
25 The department shall not change the treatment provider without
26 first notifying the state attorney's office.

27 2. Remain within described geographical boundaries and
28 notify the court or the department counselor prior to any
29 change in the offender's address, educational program, or
30 employment.

31 3. Comply with all requirements of the treatment plan.

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1 (f) The juvenile sexual offender treatment provider
2 shall submit quarterly reports on the respondent's progress in
3 treatment to the court and the parties to the proceedings. The
4 juvenile sexual offender reports shall reference the treatment
5 plan and include, at a minimum, the following:

6 1. Dates of attendance.

7 2. The juvenile sexual offender's compliance with the
8 requirements of treatment.

9 3. A description of the treatment activities.

10 4. The sexual offender's relative progress in
11 treatment.

12 5. The offender's family support of the treatment
13 objectives.

14 6. Any other material specified by the court at the
15 time of the disposition.

16 (g) At the disposition hearing, the court may set case
17 review hearings as the court considers appropriate.

18 (h) If the juvenile sexual offender violates any
19 condition of the disposition or the court finds that the
20 juvenile sexual offender is failing to make satisfactory
21 progress in treatment, the court may revoke the
22 community-based treatment alternative and order commitment to
23 the department under s. 985.441 ~~pursuant to subsection (1)~~.

24 (i) If the court determines that the juvenile sexual
25 offender is not amenable to community-based treatment, the
26 court shall proceed with a juvenile sexual offender
27 disposition hearing under s. 985.441 ~~pursuant to subsection~~
28 ~~(1)~~.

29 Section 58. Section 985.308, Florida Statutes, is
30 renumbered as section 985.48, Florida Statutes.

31 Section 59. Subsection (7) of section 985.03, Florida

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1 Statutes, is amended and renumbered as subsection (1) of
 2 section 985.483, Florida Statutes, subsections (2), (4), and
 3 (5) of section 985.311, Florida Statutes, are amended and
 4 renumbered, respectively, as subsections (9), (11), and (12)
 5 of section 985.483, Florida Statutes, paragraphs (e) through
 6 (i) and (k) of subsection (3) of section 985.311, Florida
 7 Statutes, are amended and renumbered, respectively, as
 8 subsections (2) through (6) and (7) of section 985.483,
 9 Florida Statutes, subsection (1) of section 985.311, Florida
 10 Statutes, is renumbered as subsection (8) of section 985.483,
 11 Florida Statutes, and paragraphs (a) through (d) and (j) of
 12 subsection (3) of section 985.311, Florida Statutes, are
 13 renumbered as paragraphs (a) through (d) and (e) of subsection
 14 (10) of section 985.483, Florida Statutes, and amended to
 15 read:

16 985.483 ~~985.311~~ Intensive residential treatment
 17 program for offenders less than 13 years of age.--

18 ~~(1)(7)~~ CRITERIA.--A "child eligible for an intensive
 19 residential treatment program for offenders less than 13 years
 20 of age" means a child who has been found to have committed a
 21 delinquent act or a violation of law in the case currently
 22 before the court and who meets at least one of the following
 23 criteria:

24 (a) The child is less than 13 years of age at the time
 25 of the disposition for the current offense and has been
 26 adjudicated on the current offense for:

- 27 1. Arson;
- 28 2. Sexual battery;
- 29 3. Robbery;
- 30 4. Kidnapping;
- 31 5. Aggravated child abuse;

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- 1 6. Aggravated assault;
- 2 7. Aggravated stalking;
- 3 8. Murder;
- 4 9. Manslaughter;
- 5 10. Unlawful throwing, placing, or discharging of a
- 6 destructive device or bomb;
- 7 11. Armed burglary;
- 8 12. Aggravated battery;
- 9 13. Any lewd or lascivious offense committed upon or
- 10 in the presence of a person less than 16 years of age; or
- 11 14. Carrying, displaying, using, threatening, or
- 12 attempting to use a weapon or firearm during the commission of
- 13 a felony.

14 (b) The child is less than 13 years of age at the time
 15 of the disposition, the current offense is a felony, and the
 16 child has previously been committed at least once to a
 17 delinquency commitment program.

18 (c) The child is less than 13 years of age and is
 19 currently committed for a felony offense and transferred from
 20 a moderate-risk or high-risk residential commitment placement.

21 ~~(2)(3)(c)~~ DETERMINATION.-- After a child has been
 22 adjudicated delinquent under ~~pursuant to~~ s. 985.35 ~~985.228~~
 23 (5), the court shall determine whether the child is eligible
 24 for an intensive residential treatment program for offenders
 25 less than 13 years of age under subsection (1) ~~pursuant to s.~~
 26 ~~985.03(7)~~. If the court determines that the child does not
 27 meet the criteria, ss. 985.435, 985.437, 985.439, 985.441,
 28 985.445, 985.45, and 985.455 ~~the provisions of s. 985.231(1)~~
 29 shall apply.

30 ~~(3)(f)~~ PLACEMENT RECOMMENDATIONS.--After a child has
 31 been transferred for criminal prosecution, a circuit court

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1 judge may direct a juvenile probation officer to consult with
2 designated staff from an appropriate intensive residential
3 treatment program for offenders less than 13 years of age for
4 the purpose of making recommendations to the court regarding
5 the child's placement in such program.

6 ~~(4)(3)(g)~~ TIME AND PLACE FOR

7 RECOMMENDATIONS.--Recommendations as to a child's placement in
8 an intensive residential treatment program for offenders less
9 than 13 years of age may be based on a preliminary screening
10 of the child at appropriate sites, considering the child's
11 location while court action is pending, which may include the
12 nearest regional detention center or facility or jail.

13 ~~(5)(3)(h)~~ REPORTING RECOMMENDATIONS.--Based on the
14 recommendations of the multidisciplinary assessment, the
15 juvenile probation officer shall make the following
16 recommendations to the court:

17 ~~(a)1-~~ For each child who has not been transferred for
18 criminal prosecution, the juvenile probation officer shall
19 recommend whether placement in such program is appropriate and
20 needed.

21 ~~(b)2-~~ For each child who has been transferred for
22 criminal prosecution, the juvenile probation officer shall
23 recommend whether the most appropriate placement for the child
24 is a juvenile justice system program, including a child who is
25 eligible for an intensive residential treatment program for
26 offenders less than 13 years of age, or placement in the adult
27 correctional system.

28
29 If treatment provided by an intensive residential treatment
30 program for offenders less than 13 years of age is determined
31 to be appropriate and needed and placement is available, the

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1 juvenile probation officer and the court shall identify the
2 appropriate intensive residential treatment program for
3 offenders less than 13 years of age best suited to the needs
4 of the child.

5 ~~(6)(3)(i)~~ ACTION ON RECOMMENDATIONS.--The treatment
6 and placement recommendations shall be submitted to the court
7 for further action under ~~pursuant to~~ this subsection
8 ~~paragraph~~:

9 ~~(a)1-~~ If it is recommended that placement in an
10 intensive residential treatment program for offenders less
11 than 13 years of age is inappropriate, the court shall make an
12 alternative disposition under ~~pursuant to~~ s. 985.489 ~~985.309~~
13 or other alternative sentencing as applicable, using ~~utilizing~~
14 the recommendation as a guide.

15 ~~(b)2-~~ If it is recommended that placement in an
16 intensive residential treatment program for offenders less
17 than 13 years of age is appropriate, the court may commit the
18 child to the department for placement in the restrictiveness
19 level designated for intensive residential treatment program
20 for offenders less than 13 years of age.

21 ~~(7)(3)(k)~~ DURATION OF COMMITMENT.--Any commitment of a
22 child to the department for placement in an intensive
23 residential treatment program for offenders less than 13 years
24 of age shall be for an indeterminate period of time, but the
25 time shall not exceed the maximum term of imprisonment that
26 ~~which~~ an adult may serve for the same offense. Any child who
27 has not completed the residential portion of the intensive
28 residential treatment program for offenders less than 13 years
29 of age by his or her fourteenth birthday may be transferred to
30 another program for committed delinquent offenders.

31 ~~(8)(1)~~ ASSESSMENT AND TREATMENT SERVICES.--Pursuant to

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1 ~~the provisions of~~ this chapter and the establishment of
2 appropriate program guidelines and standards, contractual
3 instruments, which shall include safeguards of all
4 constitutional rights, shall be developed for intensive
5 residential treatment programs for offenders less than 13
6 years of age as follows:

7 (a) The department shall provide for:

- 8 1. The oversight of implementation of assessment and
9 treatment approaches.
- 10 2. The identification and prequalification of
11 appropriate individuals or not-for-profit organizations,
12 including minority individuals or organizations when possible,
13 to provide assessment and treatment services to intensive
14 offenders less than 13 years of age.

15 3. The monitoring and evaluation of assessment and
16 treatment services for compliance with ~~the provisions of~~ this
17 chapter and all applicable rules and guidelines pursuant
18 thereto.

19 4. The development of an annual report on the
20 performance of assessment and treatment to be presented to the
21 Governor, the Attorney General, the President of the Senate,
22 the Speaker of the House of Representatives, the Auditor
23 General, and the Office of Program Policy Analysis and
24 Government Accountability no later than January 1 of each
25 year.

26 (b) Assessment shall generally comprise the first 30
27 days of treatment and be provided by the same provider as
28 treatment, but assessment and treatment services may be
29 provided by separate providers, where warranted. Providers
30 shall be selected who have the capacity to assess and treat
31 the unique problems presented by children with different

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1 racial and ethnic backgrounds. The department shall retain
2 contractual authority to reject any assessment or treatment
3 provider for lack of qualification.

4 ~~(9)(2)~~ INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR
5 OFFENDERS UNDER AGE 13.--

6 (a) There is created the intensive residential
7 treatment program for offenders less than 13 years of age. The
8 program shall consist of at least 9 months of intensive secure
9 residential treatment. Conditional release assessment and
10 services shall be provided in accordance with s. 985.46
11 ~~985.316~~. The components of the program shall include, but not
12 be limited to:

- 13 1. Diagnostic evaluation services.
- 14 2. Appropriate treatment modalities, including
15 substance abuse intervention, mental health services, and
16 sexual behavior dysfunction interventions and gang-related
17 behavior interventions.
- 18 3. Life skills.
- 19 4. Values clarification.
- 20 5. Case management services.
- 21 6. Educational services, including special and
22 remedial education.
- 23 7. Recreational and leisure time activities.
- 24 8. Community involvement opportunities commencing,
25 where appropriate, with the direct and timely payment of
26 restitution to the victim.
- 27 9. Intensive conditional release supervision.
- 28 10. Graduated reentry into the community.
- 29 11. A diversity of forms of individual and family
30 treatment appropriate to and consistent with the child's
31 needs.

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1 12. Consistent and clear consequences for misconduct.

2 (b) The department is authorized to contract with
3 private companies to provide some or all of the components
4 indicated in paragraph (a).

5 (c) The department shall involve local law enforcement
6 agencies, the judiciary, school board personnel, the office of
7 the state attorney, the office of the public defender, and
8 community service agencies interested in or currently working
9 with juveniles, in planning and developing this program.

10 (d) The department is authorized to accept funds or
11 in-kind contributions from public or private sources to be
12 used for the purposes of this section.

13 (e) The department shall establish quality assurance
14 standards to ensure the quality and substance of mental health
15 services provided to children with mental, nervous, or
16 emotional disorders who may be committed to intensive
17 residential treatment programs. The quality assurance
18 standards shall address the possession of credentials by the
19 mental health service providers.

20 ~~(10)(3)~~ PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT
21 AND TREATMENT.--

22 (a) Assessment and treatment shall be conducted by
23 treatment professionals with expertise in specific treatment
24 procedures. These, ~~which~~ professionals shall exercise all
25 professional judgment independently of the department.

26 (b) Treatment provided to children in designated
27 facilities shall be suited to the assessed needs of each
28 individual child and shall be administered safely and
29 humanely, with respect for human dignity.

30 (c) The department may promulgate rules for the
31 implementation and operation of programs and facilities for

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1 children who are eligible for an intensive residential
2 treatment program for offenders less than 13 years of age. The
3 department must involve the following groups in the
4 promulgation of rules for services for this population: local
5 law enforcement agencies, the judiciary, school board
6 personnel, the office of the state attorney, the office of the
7 public defender, and community service agencies interested in
8 or currently working with juveniles. When promulgating these
9 rules, the department must consider program principles,
10 components, standards, procedures for intake, diagnostic and
11 assessment activities, treatment modalities, and case
12 management.

13 (d) Any provider who acts in good faith is immune from
14 civil or criminal liability for his or her actions in
15 connection with the assessment, treatment, or transportation
16 of an intensive offender less than 13 years of age under ~~the~~
17 ~~provisions of~~ this chapter.

18 ~~(e)(j)~~ The following provisions shall apply to
19 children in an intensive residential treatment program for
20 offenders less than 13 years of age:

21 1. A child shall begin participation in the
22 conditional release component of the program based upon a
23 determination made by the treatment provider and approved by
24 the department.

25 2. A child shall begin participation in the community
26 supervision component of conditional release based upon a
27 determination made by the treatment provider and approved by
28 the department. The treatment provider shall give written
29 notice of the determination to the circuit court having
30 jurisdiction over the child. If the court does not respond

31 with a written objection within 10 days, the child shall begin

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1 the conditional release component.

2 3. A child shall be discharged from the program based
3 upon a determination made by the treatment provider with the
4 approval of the department.

5 4. In situations where the department does not agree
6 with the decision of the treatment provider, a reassessment
7 shall be performed, and the department shall use ~~utilize~~ the
8 reassessment determination to resolve the disagreement and
9 make a final decision.

10 ~~(11)(4)~~ ASSESSMENTS, TESTING, RECORDS, AND
11 INFORMATION.--

12 (a) Under ~~Pursuant to the provisions of~~ this section,
13 the department shall implement the comprehensive assessment
14 instrument for the treatment needs of children who are
15 eligible for an intensive residential treatment program for
16 offenders less than 13 years of age and for the assessment,
17 which assessment shall include the criteria under subsection
18 ~~(1) s. 985.03(7)~~ and shall also include, but not be limited
19 to, evaluation of the child's:

- 20 1. Amenability to treatment.
- 21 2. Proclivity toward violence.
- 22 3. Tendency toward gang involvement.
- 23 4. Substance abuse or addiction and the level thereof.
- 24 5. History of being a victim of child abuse or sexual
25 abuse, or indication of sexual behavior dysfunction.
- 26 6. Number and type of previous adjudications, findings
27 of guilt, and convictions.
- 28 7. Potential for rehabilitation.

29 (b) The department shall contract with multiple
30 individuals or not-for-profit organizations to perform the
31 assessments and treatment, and shall ensure that the staff of

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1 each provider is ~~are~~ appropriately trained.

2 (c) Assessment and treatment providers shall have a
3 written procedure developed, in consultation with licensed
4 treatment professionals, establishing conditions under which a
5 child's blood and urine samples will be tested for substance
6 abuse indications. ~~It is not unlawful for~~ The person receiving
7 the test results may ~~to~~ divulge the test results to the
8 relevant facility staff and department personnel; ~~however,~~
9 such information is exempt from ~~the provisions of~~ ss. 119.01
10 and 119.07(1) and s. 24(a), Art. I of the State Constitution.

11 (d) Serologic blood test and urinalysis results
12 obtained under ~~pursuant to~~ paragraph (c) are confidential,
13 except that they may be shared with employees or officers of
14 the department, the court, and any assessment or treatment
15 provider and designated facility treating the child. No person
16 to whom the results of a test have been disclosed under this
17 section may disclose the test results to another person not
18 authorized under this section.

19 (e) The results of any serologic blood or urine test
20 on a child who is eligible for an intensive residential
21 treatment program for offenders less than 13 years of age
22 shall become a part of that child's permanent medical file.
23 Upon transfer of the child to any other designated treatment
24 facility, such file shall be transferred in an envelope marked
25 confidential. The results of any test designed to identify the
26 human immunodeficiency virus, or its antigen or antibody,
27 shall be accessible only to persons designated by rule of the
28 department. The provisions of such rule shall be consistent
29 with the guidelines established by the Centers for Disease
30 Control and Prevention.

31 (f) A record of the assessment and treatment of each

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1 child who is eligible for an intensive residential treatment
2 program for offenders less than 13 years of age shall be
3 maintained by the provider, which shall include data
4 pertaining to the child's treatment and such other information
5 as may be required under rules of the department. Unless
6 waived by express and informed consent by the child or the
7 guardian or, if the child is deceased, by the child's personal
8 representative or by the person who stands next in line of
9 intestate succession, the privileged and confidential status
10 of the clinical assessment and treatment record shall not be
11 lost by either authorized or unauthorized disclosure to any
12 person, organization, or agency.

13 (g) The assessment and treatment record shall not be a
14 public record, and no part of it shall be released, except
15 that:

16 1. The record shall be released to such persons and
17 agencies as are designated by the child or the guardian.

18 2. The record shall be released to persons authorized
19 by order of court, excluding matters privileged by other
20 provisions of law.

21 3. The record or any part thereof shall be disclosed
22 to a qualified researcher, as defined by rule; a staff member
23 of the designated treatment facility; or an employee of the
24 department when the administrator of the facility or the
25 Secretary of Juvenile Justice deems it necessary for treatment
26 of the child, maintenance of adequate records, compilation of
27 treatment data, or evaluation of programs.

28 4. Information from the assessment and treatment
29 record may be used for statistical and research purposes if
30 the information is abstracted in such a way as to protect the
31 identity of individuals.

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(h) Notwithstanding other provisions of this section, the department may request, receive, and provide assessment and treatment information to facilitate treatment, rehabilitation, and continuity of care of any child who is eligible for an intensive residential treatment program for offenders less than 13 years of age from any of the following:

1. The Social Security Administration and the United States Department of Veterans Affairs.

2. Law enforcement agencies, state attorneys, defense attorneys, and judges in regard to the child's status.

3. Personnel in any facility in which the child may be placed.

4. Community agencies and others expected to provide services to the child upon his or her return to the community.

(i) Any law enforcement agency, designated treatment facility, governmental or community agency, or other entity that receives information under ~~pursuant to~~ this section shall maintain such information as a nonpublic record as otherwise provided herein.

(j) Any agency, not-for-profit organization, or treatment professional who acts in good faith in releasing information under ~~pursuant to~~ this subsection shall not be subject to civil or criminal liability for such release.

(k) Assessment and treatment records are confidential as described in this paragraph and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.

2. The principles of confidentiality of records as

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1 provided in s. 985.045 ~~985.05~~ shall apply to the assessment
2 and treatment records of children who are eligible for an
3 intensive residential treatment program for offenders less
4 than 13 years of age.

5 (1) For purposes of effective administration, accurate
6 tracking and recordkeeping, and optimal treatment decisions,
7 each assessment and treatment provider shall maintain a
8 central identification file on each child it treats in the
9 intensive residential treatment program for offenders less
10 than 13 years of age.

11 (m) The file of each child treated in the intensive
12 residential treatment program for offenders less than 13 years
13 of age shall contain, but is not limited to, pertinent
14 children-in-need-of-services and delinquency record
15 information maintained by the department; pertinent school
16 records information on behavior, attendance, and achievement;
17 and pertinent information on delinquency or children in need
18 of services maintained by law enforcement agencies and the
19 state attorney.

20 (n) All providers under this section shall, as part of
21 their contractual duties, collect, maintain, and report to the
22 department all information necessary to comply with mandatory
23 reporting pursuant to the promulgation of rules by the
24 department for the implementation of intensive residential
25 treatment programs for offenders less than 13 years of age and
26 the monitoring and evaluation thereof.

27 (o) The department is responsible for the development
28 and maintenance of a statewide automated tracking system for
29 children who are treated in an intensive residential treatment
30 program for offenders less than 13 years of age.

31 (12)~~(5)~~ DESIGNATED TREATMENT FACILITIES.--

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1 (a) Designated facilities shall be sited and
2 constructed by the department, directly or by contract,
3 pursuant to departmental rules, to ensure that facility design
4 is compatible with treatment. The department is authorized to
5 contract for the construction of the facilities and may also
6 lease facilities. The number of beds per facility shall not
7 exceed 25. An assessment of need for additional facilities
8 shall be conducted prior to the siting or construction of more
9 than one facility in any judicial circuit.

10 (b) Designated facilities for an intensive residential
11 treatment program for offenders less than 13 years of age
12 shall be separate and secure facilities established under the
13 authority of the department for the treatment of such
14 children.

15 (c) Security for designated facilities for children
16 who are eligible for an intensive residential treatment
17 program for offenders less than 13 years of age shall be
18 determined by the department. The department is authorized to
19 contract for the provision of security.

20 (d) With respect to the treatment of children who are
21 eligible for an intensive residential treatment program for
22 offenders less than 13 years of age under this section,
23 designated facilities shall be immune from liability for civil
24 damages except in instances when the failure to act in good
25 faith results in serious injury or death, in which case
26 liability shall be governed by s. 768.28.

27 (e) Minimum standards and requirements for designated
28 treatment facilities shall be contractually prescribed under
29 ~~pursuant to subsection(8)(1)~~.

30 Section 60. Section 985.312, Florida Statutes, is
31 renumbered as section 985.486, Florida Statutes, and amended

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1 to read:

2 985.486 ~~985.312~~ Intensive residential treatment
3 programs for offenders less than 13 years of age; prerequisite
4 for commitment.--No child who is eligible for commitment to an
5 intensive residential treatment program for offenders less
6 than 13 years of age as established in s. 985.483(1)
7 ~~985.03(7)~~, may be committed to any intensive residential
8 treatment program for offenders less than 13 years of age as
9 established in s. 985.483 ~~985.311~~, unless such program has
10 been established by the department through existing resources
11 or specific appropriation, for such program.

12 Section 61. Section 985.309, Florida Statutes, is
13 renumbered as section 985.489, Florida Statutes, and
14 subsection (6) of that section is amended to read:

15 985.489 ~~985.309~~ Boot camp for children.--

16 (6) A boot camp operated by the department, a county,
17 or a municipality must provide for the following minimum
18 periods of participation:

19 (a) A participant in a low-risk residential program
20 must spend at least 2 months in the boot camp component of the
21 program. Conditional release assessment and services shall be
22 provided in accordance with s. 985.46 ~~985.316~~.

23 (b) A participant in a moderate-risk residential
24 program must spend at least 4 months in the boot camp
25 component of the program. Conditional release assessment and
26 services shall be provided in accordance with s. 985.46
27 ~~985.316~~.

28

29 This subsection does not preclude the operation of a program
30 that requires the participants to spend more than 4 months in
31 the boot camp component of the program or that requires the

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1 participants to complete two sequential programs of 4 months
2 each in the boot camp component of the program.

3 Section 62. Section 985.314, Florida Statutes, is
4 renumbered as section 985.494, Florida Statutes, and amended
5 to read:

6 985.494 ~~985.314~~ Commitment programs for juvenile
7 felony offenders.--

8 (1) Notwithstanding any other law and regardless of
9 the child's age, a child who is adjudicated delinquent, or for
10 whom adjudication is withheld, for an act that would be a
11 felony if committed by an adult, shall be committed to:

12 (a) A boot camp program under s. 985.489 ~~985.309~~ if
13 the child has participated in an early delinquency
14 intervention program as provided in s. 985.61 ~~985.305~~.

15 (b) A program for serious or habitual juvenile
16 offenders under s. 985.47 ~~985.31~~ or an intensive residential
17 treatment program for offenders less than 13 years of age
18 under s. 985.483 ~~985.311~~, if the child has participated in an
19 early delinquency intervention program and has completed a
20 boot camp program.

21 (c) A maximum-risk residential program, if the child
22 has participated in an early delinquency intervention program,
23 has completed a boot camp program, and has completed a program
24 for serious or habitual juvenile offenders or an intensive
25 residential treatment program for offenders less than 13 years
26 of age. The commitment of a child to a maximum-risk
27 residential program must be for an indeterminate period, but
28 may not exceed the maximum term of imprisonment that an adult
29 may serve for the same offense.

30 (2) In committing a child to the appropriate program,
31 the court may consider an equivalent program of similar

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1 intensity as being comparable to a program required under
2 subsection (1).

3 Section 63. Section 985.511, Florida Statutes, is
4 created to read:

5 985.511 Costs of representation.--The responsibilities
6 of the parents or legal guardian of the child to pay costs
7 associated with the representation of the child are prescribed
8 under s. 985.033.

9 Section 64. Section 985.204, Florida Statutes, is
10 renumbered as section 985.512, Florida Statutes.

11 Section 65. Paragraph (e) of subsection (1) of section
12 985.231, Florida Statutes, is amended and renumbered as
13 subsection (2) of section 985.513, Florida Statutes, which is
14 created to read:

15 985.513 Powers of the court over parent or guardian at
16 disposition.--

17 (1) The court that has jurisdiction of an adjudicated
18 delinquent child may, by an order stating the facts upon which
19 a determination of a sanction and rehabilitative program was
20 made at the disposition hearing:

21 (a) Order the child's parent or guardian together with
22 the child to render community service in a public service
23 program or to participate in a community work project. In
24 addition to the sanctions imposed on the child, the court may
25 order the parent or guardian of the child to perform community
26 service if the court finds that the parent or guardian did not
27 make a diligent and good faith effort to prevent the child
28 from engaging in delinquent acts.

29 (b) Order the parent or guardian to make restitution
30 in money or in kind for any damage or loss caused by the
31 child's offense. The court may also require the parent or

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1 legal guardian of the child to be responsible for any
2 restitution ordered against the child, as provided under s.
3 985.437. The court shall determine a reasonable amount or
4 manner of restitution, and payment shall be made to the clerk
5 of the circuit court as provided in s. 985.437. The court may
6 retain jurisdiction, as provided under s. 985.0301, over the
7 child and the child's parent or legal guardian whom the court
8 has ordered to pay restitution until the restitution order is
9 satisfied or the court orders otherwise.

10 ~~(1)~~

11 ~~(2)(e)~~ Notwithstanding whether adjudication is imposed
12 or withheld in carrying out the provisions of this part, the
13 court may order the natural parents or legal custodian or
14 guardian of a child who is found to have committed a
15 delinquent act to participate in family counseling and other
16 professional counseling activities deemed necessary for the
17 rehabilitation of the child or to enhance their ability to
18 provide the child with adequate support, guidance, and
19 supervision. The court may also order that the parent,
20 custodian, or guardian support the child and participate with
21 the child in fulfilling a court-imposed sanction. In addition,
22 the court may use its contempt powers to enforce a
23 court-imposed sanction.

24 Section 66. Section 985.514, Florida Statutes, is
25 created to read:

26 985.514 Responsibility for cost of care; fees.--

27 (1) When any child is placed into secure or home
28 detention care or into other placement for the purpose of
29 being supervised by the department pursuant to a court order
30 following a detention hearing, the court shall order the
31 parents or guardians of such child to pay fees to the

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1 department as provided in s. 985.039.

2 (2) When any child is found by the court to have
3 committed a delinquent act and is placed on probation,
4 regardless of adjudication, under the supervision of or in the
5 temporary legal custody of the department, the court shall
6 order the child's parents to pay fees to the department as
7 provided in s. 985.039.

8 (3) When the court under s. 985.565 orders any child
9 prosecuted as an adult to be supervised by or committed to the
10 department for treatment in any of the department's programs
11 for children, the court shall order the child's parents to pay
12 fees as provided in s. 985.039.

13 Section 67. Section 985.234, Florida Statutes, is
14 renumbered as section 985.534, Florida Statutes, and
15 subsection (1) of that section is amended to read:

16 985.534 ~~985.234~~ Appeal.--

17 (1) An appeal from an order of the court affecting a
18 party to a case involving a child under ~~pursuant to~~ this
19 chapter part may be taken to the appropriate district court of
20 appeal within the time and in the manner prescribed by s.
21 924.051 and the Florida Rules of Appellate Procedure by:

22 (a) Any child, and any parent or legal guardian or
23 custodian of any child.

24 (b) The state, which may appeal from:

25 1. An order dismissing a petition or any section
26 thereof;

27 2. An order granting a new adjudicatory hearing;

28 3. An order arresting judgment;

29 4. A ruling on a question of law when the child is
30 adjudicated delinquent and appeals from the judgment;

31 5. The disposition, on the ground that it is illegal;

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1 6. A judgment discharging a child on habeas corpus;

2 7. An order adjudicating a child insane under the
3 Florida Rules of Juvenile Procedure; and

4 8. All other preadjudicatory hearings, except that the
5 state may not take more than one appeal under this subsection
6 in any case.

7
8 In the case of an appeal by the state, the notice of appeal
9 shall be filed by the appropriate state attorney or his or her
10 authorized assistant under ~~pursuant to the provisions of s.~~
11 27.18. Such an appeal shall embody all assignments of error in
12 each preadjudicatory hearing order that the state seeks to
13 have reviewed. The state shall pay all costs of the appeal
14 except for the child's attorney's fee.

15 Section 68. Sections 985.235 and 985.236, Florida
16 Statutes, are renumbered, respectively, as sections 985.535
17 and 985.536, Florida Statutes.

18 Section 69. Section 985.226, Florida Statutes, is
19 renumbered as section 985.556, Florida Statutes, and amended
20 to read:

21 985.556 985.226 Waiver of juvenile court jurisdiction;
22 hearing ~~Criteria for waiver of juvenile court jurisdiction;~~
23 ~~hearing on motion to transfer for prosecution as an adult.--~~

24 (1) VOLUNTARY WAIVER.--The court shall transfer and
25 certify a child's criminal case for trial as an adult if the
26 child is alleged to have committed a violation of law and,
27 prior to the commencement of an adjudicatory hearing, the
28 child, joined by a parent or, in the absence of a parent, by
29 the guardian or guardian ad litem, demands in writing to be
30 tried as an adult. Once a child has been transferred for
31 criminal prosecution pursuant to a voluntary waiver hearing

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1 and has been found to have committed the presenting offense or
2 a lesser included offense, the child shall be handled
3 thereafter in every respect as an adult for any subsequent
4 violation of state law, unless the court imposes juvenile
5 sanctions under s. 985.565 ~~985.233~~(4)(b).

6 (2) INVOLUNTARY DISCRETIONARY WAIVER.--

7 ~~(a) Discretionary waiver.--~~ Except as provided in
8 subsection (3) ~~paragraph (b)~~, the state attorney may file a
9 motion requesting the court to transfer the child for criminal
10 prosecution if the child was 14 years of age or older at the
11 time the alleged delinquent act or violation of law was
12 committed.

13 (3) INVOLUNTARY MANDATORY WAIVER.--

14 ~~(b) Mandatory waiver.--~~

15 (a)1- If the child was 14 years of age or older, and
16 if the child has been previously adjudicated delinquent for an
17 act classified as a felony, which adjudication was for the
18 commission of, attempt to commit, or conspiracy to commit
19 murder, sexual battery, armed or strong-armed robbery,
20 carjacking, home-invasion robbery, aggravated battery,
21 aggravated assault, or burglary with an assault or battery,
22 and the child is currently charged with a second or subsequent
23 violent crime against a person; or

24 (b)2- If the child was 14 years of age or older at the
25 time of commission of a fourth or subsequent alleged felony
26 offense and the child was previously adjudicated delinquent or
27 had adjudication withheld for or was found to have committed,
28 or to have attempted or conspired to commit, three offenses
29 that are felony offenses if committed by an adult, and one or
30 more of such felony offenses involved the use or possession of
31 a firearm or violence against a person;

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2 the state attorney shall request the court to transfer and
3 certify the child for prosecution as an adult or shall provide
4 written reasons to the court for not making such request, or
5 proceed under ~~pursuant to~~ s. 985.557 ~~985.227~~(1). Upon the
6 state attorney's request, the court shall either enter an
7 order transferring the case and certifying the case for trial
8 as if the child were an adult or provide written reasons for
9 not issuing such an order.

10 ~~(4)(3)~~ WAIVER HEARING.--

11 (a) Within 7 days, excluding Saturdays, Sundays, and
12 legal holidays, after the date a petition alleging that a
13 child has committed a delinquent act or violation of law has
14 been filed, or later with the approval of the court, but
15 before an adjudicatory hearing and after considering the
16 recommendation of the juvenile probation officer, the state
17 attorney may file a motion requesting the court to transfer
18 the child for criminal prosecution.

19 (b) After the filing of the motion of the state
20 attorney, summonses must be issued and served in conformity
21 with s. 985.319 ~~985.219~~. A copy of the motion and a copy of
22 the delinquency petition, if not already served, must be
23 attached to each summons.

24 (c) The court shall conduct a hearing on all transfer
25 request motions for the purpose of determining whether a child
26 should be transferred. In making its determination, the court
27 shall consider:

28 1. The seriousness of the alleged offense to the
29 community and whether the protection of the community is best
30 served by transferring the child for adult sanctions.

31 2. Whether the alleged offense was committed in an

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1 aggressive, violent, premeditated, or willful manner.

2 3. Whether the alleged offense was against persons or
3 against property, greater weight being given to offenses
4 against persons, especially if personal injury resulted.

5 4. The probable cause as found in the report,
6 affidavit, or complaint.

7 5. The desirability of trial and disposition of the
8 entire offense in one court when the child's associates in the
9 alleged crime are adults or children who are to be tried as
10 adults.

11 6. The sophistication and maturity of the child.

12 7. The record and previous history of the child,
13 including:

14 a. Previous contacts with the department, the
15 Department of Corrections, the former Department of Health and
16 Rehabilitative Services, the Department of Children and Family
17 Services, other law enforcement agencies, and courts;

18 b. Prior periods of probation;

19 c. Prior adjudications that the child committed a
20 delinquent act or violation of law, greater weight being given
21 if the child has previously been found by a court to have
22 committed a delinquent act or violation of law involving an
23 offense classified as a felony or has twice previously been
24 found to have committed a delinquent act or violation of law
25 involving an offense classified as a misdemeanor; and

26 d. Prior commitments to institutions.

27 8. The prospects for adequate protection of the public
28 and the likelihood of reasonable rehabilitation of the child,
29 if the child is found to have committed the alleged offense,
30 by the use of procedures, services, and facilities currently
31 available to the court.

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1 (d) Prior to a hearing on the transfer request motion
2 by the state attorney, a study and report to the court
3 relevant to the factors in paragraph (c) must be made in
4 writing by an authorized agent of the department. The child
5 and the child's parents or legal guardians and counsel and the
6 state attorney shall have the right to examine these reports
7 and to question the parties responsible for them at the
8 hearing.

9 (e) Any decision to transfer a child for criminal
10 prosecution must be in writing and include consideration of,
11 and findings of fact with respect to, all criteria in
12 paragraph (c). The court shall render an order including a
13 specific finding of fact and the reasons for a decision to
14 impose adult sanctions. The order shall be reviewable on
15 appeal under s. 985.534 ~~985.234~~ and the Florida Rules of
16 Appellate Procedure.

17 ~~(5)(4)~~ EFFECT OF ORDER WAIVING JURISDICTION.--

18 (a) Once a child has been transferred for criminal
19 prosecution pursuant to an involuntary waiver hearing and has
20 been found to have committed the presenting offense or a
21 lesser included offense, the child shall thereafter be handled
22 in every respect as an adult for any subsequent violation of
23 state law, unless the court imposes juvenile sanctions under
24 s. 985.565 ~~985.233~~.

25 (b) When a child is transferred for criminal
26 prosecution as an adult, the court shall immediately transfer
27 and certify to the adult circuit court all felony cases
28 pertaining to the child, for prosecution of the child as an
29 adult, which have not yet resulted in a plea of guilty or nolo
30 contendere or in which a finding of guilt has not been made.

31 If the child is acquitted of all charged offenses or lesser

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1 included offenses contained in the original case transferred
2 to adult court, all felony cases that were transferred to
3 adult court under ~~pursuant to~~ this paragraph shall be subject
4 to the same penalties such cases were subject to before being
5 transferred to adult court.

6 Section 70. Section 985.227, Florida Statutes, is
7 renumbered as section 985.557, Florida Statutes, and amended
8 to read:

9 985.557 ~~985.227~~ ~~Prosecution of juveniles as adults by~~
10 ~~the~~ Direct filing of an information ~~in the criminal division~~
11 ~~of the circuit court~~; discretionary and ~~criteria~~; mandatory
12 criteria.--

13 (1) DISCRETIONARY DIRECT FILE; ~~CRITERIA~~.--

14 (a) With respect to any child who was 14 or 15 years
15 of age at the time the alleged offense was committed, the
16 state attorney may file an information when in the state
17 attorney's judgment and discretion the public interest
18 requires that adult sanctions be considered or imposed and
19 when the offense charged is for the commission of, attempt to
20 commit, or conspiracy to commit:

- 21 1. Arson;
- 22 2. Sexual battery;
- 23 3. Robbery;
- 24 4. Kidnapping;
- 25 5. Aggravated child abuse;
- 26 6. Aggravated assault;
- 27 7. Aggravated stalking;
- 28 8. Murder;
- 29 9. Manslaughter;
- 30 10. Unlawful throwing, placing, or discharging of a

31 destructive device or bomb;

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11. Armed burglary in violation of s. 810.02(2)(b) or specified burglary of a dwelling or structure in violation of s. 810.02(2)(c), or burglary with an assault or battery in violation of s. 810.02(2)(a);

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age;

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony;

15. Grand theft in violation of s. 812.014(2)(a);

16. Possessing or discharging any weapon or firearm on school property in violation of s. 790.115;

17. Home invasion robbery;

18. Carjacking; or

19. Grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or grand theft of a motor vehicle valued at \$20,000 or more in violation of s. 812.014(2)(b) if the child has a previous adjudication for grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

(b) With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed. However, the state attorney may not file an information on a child charged with a misdemeanor, unless the child has had at least two previous adjudications or adjudications withheld for delinquent acts, one of which involved an offense classified as a felony under state law.

(2) MANDATORY DIRECT FILE.--

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1 (a) With respect to any child who was 16 or 17 years
2 of age at the time the alleged offense was committed, the
3 state attorney shall file an information if the child has been
4 previously adjudicated delinquent for an act classified as a
5 felony, which adjudication was for the commission of, attempt
6 to commit, or conspiracy to commit murder, sexual battery,
7 armed or strong-armed robbery, carjacking, home-invasion
8 robbery, aggravated battery, or aggravated assault, and the
9 child is currently charged with a second or subsequent violent
10 crime against a person.

11 (b) With respect to any child 16 or 17 years of age at
12 the time an offense classified as a forcible felony, as
13 defined in s. 776.08, was committed, the state attorney shall
14 file an information if the child has previously been
15 adjudicated delinquent or had adjudication withheld for three
16 acts classified as felonies each of which occurred at least 45
17 days apart from each other. This paragraph does not apply when
18 the state attorney has good cause to believe that exceptional
19 circumstances exist which preclude the just prosecution of the
20 juvenile in adult court.

21 (c) The state attorney must file an information if a
22 child, regardless of the child's age at the time the alleged
23 offense was committed, is alleged to have committed an act
24 that would be a violation of law if the child were an adult,
25 that involves stealing a motor vehicle, including, but not
26 limited to, a violation of s. 812.133, relating to carjacking,
27 or s. 812.014(2)(c)6., relating to grand theft of a motor
28 vehicle, and while the child was in possession of the stolen
29 motor vehicle the child caused serious bodily injury to or the
30 death of a person who was not involved in the underlying
31 offense. For purposes of this section, the driver and all

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1 willing passengers in the stolen motor vehicle at the time
2 such serious bodily injury or death is inflicted shall also be
3 subject to mandatory transfer to adult court. "Stolen motor
4 vehicle," for the purposes of this section, means a motor
5 vehicle that has been the subject of any criminal wrongful
6 taking. For purposes of this section, "willing passengers"
7 means all willing passengers who have participated in the
8 underlying offense.

9 (d)1. With respect to any child who was 16 or 17 years
10 of age at the time the alleged offense was committed, the
11 state attorney shall file an information if the child has been
12 charged with committing or attempting to commit an offense
13 listed in s. 775.087(2)(a)1.a.-q., and, during the commission
14 of or attempt to commit the offense, the child:

15 a. Actually possessed a firearm or destructive device,
16 as those terms are defined in s. 790.001.

17 b. Discharged a firearm or destructive device, as
18 described in s. 775.087(2)(a)2.

19 c. Discharged a firearm or destructive device, as
20 described in s. 775.087(2)(a)3., and, as a result of the
21 discharge, death or great bodily harm was inflicted upon any
22 person.

23 2. Upon transfer, any child who is:

24 a. Charged under ~~pursuant to~~ sub-subparagraph 1.a. and
25 who has been previously adjudicated or had adjudication
26 withheld for a forcible felony offense or any offense
27 involving a firearm, or who has been previously placed in a
28 residential commitment program, shall be subject to sentencing
29 under s. 775.087(2)(a), notwithstanding s. 985.565 ~~985.233~~.

30 b. Charged under ~~pursuant to~~ sub-subparagraph 1.b. or
31 sub-subparagraph 1.c., shall be subject to sentencing under s.

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1 775.087(2)(a), notwithstanding s. 985.565 ~~985.233~~.

2 3. Upon transfer, any child who is charged under
3 ~~pursuant to~~ this paragraph, but who does not meet the
4 requirements specified in subparagraph 2., shall be sentenced
5 under ~~pursuant to~~ s. 985.565 ~~985.233~~; however, if the court
6 imposes a juvenile sanction, the court must commit the child
7 to a high-risk or maximum-risk juvenile facility.

8 4. This paragraph shall not apply if the state
9 attorney has good cause to believe that exceptional
10 circumstances exist that ~~which~~ preclude the just prosecution
11 of the child in adult court.

12 5. The Department of Corrections shall make every
13 reasonable effort to ensure that any child 16 or 17 years of
14 age who is convicted and sentenced under this paragraph be
15 completely separated such that there is no physical contact
16 with adult offenders in the facility, to the extent that it is
17 consistent with chapter 958.

18 (3) EFFECT OF DIRECT FILE.--

19 (a) Once a child has been transferred for criminal
20 prosecution pursuant to an information and has been found to
21 have committed the presenting offense or a lesser included
22 offense, the child shall be handled thereafter in every
23 respect as if an adult for any subsequent violation of state
24 law, unless the court imposes juvenile sanctions under s.
25 985.565 ~~985.233~~.

26 (b) When a child is transferred for criminal
27 prosecution as an adult, the court shall immediately transfer
28 and certify to the adult circuit court all felony cases
29 pertaining to the child, for prosecution of the child as an
30 adult, which have not yet resulted in a plea of guilty or nolo
31 contendere or in which a finding of guilt has not been made.

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1 If a child is acquitted of all charged offenses or lesser
2 included offenses contained in the original case transferred
3 to adult court, all felony cases that were transferred to
4 adult court as a result of this paragraph shall be subject to
5 the same penalties to which such cases would have been subject
6 before being transferred to adult court.

7 (c) When a child has been transferred for criminal
8 prosecution as an adult and has been found to have committed a
9 violation of state law, the disposition of the case may be
10 made under s. 985.565 ~~985.233~~ and may include the enforcement
11 of any restitution ordered in any juvenile proceeding.

12 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
13 attorney shall develop written policies and guidelines to
14 govern determinations for filing an information on a juvenile,
15 to be submitted to the Executive Office of the Governor, the
16 President of the Senate, and the Speaker of the House of
17 Representatives not later than January 1 of each year.

18 (5) An information filed pursuant to this section may
19 include all charges that are based on the same act, criminal
20 episode, or transaction as the primary offenses.

21 Section 71. Section 985.225, Florida Statutes, is
22 renumbered as section 985.56, Florida Statutes, and amended to
23 read:

24 985.56 ~~985.225~~ Indictment of a juvenile.--

25 (1) A child of any age who is charged with a violation
26 of state law punishable by death or by life imprisonment is
27 subject to the jurisdiction of the court as set forth in s.
28 985.0301(2) ~~985.219(8)~~ unless and until an indictment on the
29 charge is returned by the grand jury. When such indictment is
30 returned, the petition for delinquency, if any, must be

31 dismissed and the child must be tried and handled in every

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1 respect as an adult:

2 (a) On the offense punishable by death or by life
3 imprisonment; and

4 (b) On all other felonies or misdemeanors charged in
5 the indictment which are based on the same act or transaction
6 as the offense punishable by death or by life imprisonment or
7 on one or more acts or transactions connected with the offense
8 punishable by death or by life imprisonment.

9 (2) An adjudicatory hearing may not be held until 21
10 days after the child is taken into custody and charged with
11 having committed an offense punishable by death or by life
12 imprisonment, unless the state attorney advises the court in
13 writing that he or she does not intend to present the case to
14 the grand jury, or has presented the case to the grand jury
15 and the grand jury has not returned an indictment. If the
16 court receives such a notice from the state attorney, or if
17 the grand jury fails to act within the 21-day period, the
18 court may proceed as otherwise authorized under this part.

19 (3) If the child is found to have committed the
20 offense punishable by death or by life imprisonment, the child
21 shall be sentenced as an adult. If the juvenile is not found
22 to have committed the indictable offense but is found to have
23 committed a lesser included offense or any other offense for
24 which he or she was indicted as a part of the criminal
25 episode, the court may sentence under ~~pursuant to~~ s. 985.565
26 ~~985.233~~.

27 (4)(a) Once a child has been indicted pursuant to this
28 section ~~subsection~~ and has been found to have committed any
29 offense for which he or she was indicted as a part of the
30 criminal episode, the child shall be handled thereafter in
31 every respect as if an adult for any subsequent violation of

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1 state law, unless the court imposes juvenile sanctions under
2 s. 985.565 ~~985.233~~.

3 (b) When a child has been indicted pursuant to this
4 ~~section~~ ~~subsection~~ the court shall immediately transfer and
5 certify to the adult circuit court all felony cases pertaining
6 to the child, for prosecution of the child as an adult, which
7 have not yet resulted in a plea of guilty or nolo contendere
8 or in which a finding of guilt has not been made. If the child
9 is acquitted of all charged offenses or lesser included
10 offenses contained in the indictment case, all felony cases
11 that were transferred to adult court pursuant to this
12 paragraph shall be subject to the same penalties such cases
13 were subject to before being transferred to adult court.

14 Section 72. Subsections (1) through (4) of section
15 985.233, Florida Statutes, are renumbered, respectively, as
16 subsections (1) through (3) and paragraphs (c) and (d) of
17 subsection (4) of section 985.565, Florida Statutes, and
18 paragraphs (a), (b), (c), (e), and (f) of subsection (4) of
19 section 985.233, Florida Statutes, are amended and renumbered,
20 respectively, as paragraphs (a), (b), and (e) of subsection
21 (4) of section 985.565, Florida Statutes, to read:

22 985.565 ~~985.233~~ Sentencing powers; procedures;
23 alternatives for juveniles prosecuted as adults.--

24 (4) SENTENCING ALTERNATIVES.--

25 (a) ~~Sentencing to~~ Adult sanctions.--

26 1. Cases prosecuted on indictment.--If the child is
27 found to have committed the offense punishable by death or
28 life imprisonment, the child shall be sentenced as an adult.
29 If the juvenile is not found to have committed the indictable
30 offense but is found to have committed a lesser included

31 offense or any other offense for which he or she was indicted

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1 as a part of the criminal episode, the court may sentence as
2 follows:

3 a. As an adult;

4 b. Under ~~Pursuant to~~ chapter 958; or

5 c. As a juvenile under ~~pursuant to~~ this section.

6 2. Other cases.--If a child who has been transferred
7 for criminal prosecution pursuant to information or waiver of
8 juvenile court jurisdiction is found to have committed a
9 violation of state law or a lesser included offense for which
10 he or she was charged as a part of the criminal episode, the
11 court may sentence as follows:

12 a. As an adult;

13 b. Under ~~Pursuant to~~ chapter 958; or

14 c. As a juvenile under ~~pursuant to~~ this section.

15 3. Notwithstanding any other provision to the
16 contrary, if the state attorney is required to file a motion
17 to transfer and certify the juvenile for prosecution as an
18 adult under ~~pursuant to~~ s. 985.556(3) ~~985.226(2)(b)~~ and that
19 motion is granted, or if the state attorney is required to
20 file an information under ~~pursuant to~~ s. 985.557 ~~985.227(2)(a)~~
21 or (b), the court must impose adult sanctions.

22 4. Any sentence imposing adult sanctions is presumed
23 appropriate, and the court is not required to set forth
24 specific findings or enumerate the criteria in this subsection
25 as any basis for its decision to impose adult sanctions.

26 5. When a child has been transferred for criminal
27 prosecution as an adult and has been found to have committed a
28 violation of state law, the disposition of the case may
29 include the enforcement of any restitution ordered in any
30 juvenile proceeding.

31 (b) ~~Sentencing to~~ Juvenile sanctions.--For juveniles

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1 transferred to adult court but who do not qualify for such
2 transfer under ~~pursuant to~~ s. 985.556(3) ~~985.226(2)(b)~~ or s.
3 985.557 ~~985.227(2)(a)~~ or (b), the court may impose juvenile
4 sanctions under this paragraph. If juvenile sentences are
5 imposed, the court shall, under ~~pursuant to~~ this paragraph,
6 adjudge the child to have committed a delinquent act.
7 Adjudication of delinquency shall not be deemed a conviction,
8 nor shall it operate to impose any of the civil disabilities
9 ordinarily resulting from a conviction. The court shall impose
10 an adult sanction or a juvenile sanction and may not sentence
11 the child to a combination of adult and juvenile punishments.
12 An adult sanction or a juvenile sanction may include
13 enforcement of an order of restitution or probation previously
14 ordered in any juvenile proceeding. However, if the court
15 imposes a juvenile sanction and the department determines that
16 the sanction is unsuitable for the child, the department shall
17 return custody of the child to the sentencing court for
18 further proceedings, including the imposition of adult
19 sanctions. Upon adjudicating a child delinquent under
20 subsection (1), the court may:

21 1. Place the child in a probation program under the
22 supervision of the department for an indeterminate period of
23 time until the child reaches the age of 19 years or sooner if
24 discharged by order of the court.

25 2. Commit the child to the department for treatment in
26 an appropriate program for children for an indeterminate
27 period of time until the child is 21 or sooner if discharged
28 by the department. The department shall notify the court of
29 its intent to discharge no later than 14 days prior to
30 discharge. Failure of the court to timely respond to the
31 department's notice shall be considered approval for

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1 discharge.

2 3. Order disposition under ss. 985.435, 985.437,
3 985.439, 985.441, 985.445, 985.45, and 985.455 pursuant to s.
4 985.231 as an alternative to youthful offender or adult
5 sentencing if the court determines not to impose youthful
6 offender or adult sanctions.

7 (c) Imposition of adult sanctions upon failure of
8 juvenile sanctions.--If a child proves not to be suitable to a
9 commitment program, in a juvenile probation program, or
10 treatment program under ~~the provisions of~~ paragraph (b), the
11 department shall provide the sentencing court with a written
12 report outlining the basis for its objections to the juvenile
13 sanction and shall simultaneously provide a copy of the report
14 to the state attorney and the defense counsel. The department
15 shall schedule a hearing within 30 days. Upon hearing, the
16 court may revoke the previous adjudication, impose an
17 adjudication of guilt, and impose any sentence which it may
18 lawfully impose, giving credit for all time spent by the child
19 in the department. The court may also classify the child as a
20 youthful offender under ~~pursuant to~~ s. 958.04, if appropriate.
21 For purposes of this paragraph, a child may be found not
22 suitable to a commitment program, community control program,
23 or treatment program under ~~the provisions of~~ paragraph (b) if
24 the child commits a new violation of law while under juvenile
25 sanctions, if the child commits any other violation of the
26 conditions of juvenile sanctions, or if the child's actions
27 are otherwise determined by the court to demonstrate a failure
28 of juvenile sanctions.

29 (d)(e) Further proceedings heard in adult court.--When
30 a child is sentenced to juvenile sanctions, further
31 proceedings involving those sanctions shall continue to be

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1 heard in the adult court.

2 ~~(e)(f)~~ School attendance.--If the child is attending
3 or is eligible to attend public school and the court finds
4 that the victim or a sibling of the victim in the case is
5 attending or may attend the same school as the child, the
6 court placement order shall include a finding pursuant to the
7 proceeding described in s. 985.455(2), regardless of whether
8 adjudication is withheld ~~985.23(1)(d)~~.

9

10 It is the intent of the Legislature that the criteria and
11 guidelines in this subsection are mandatory and that a
12 determination of disposition under this subsection is subject
13 to the right of the child to appellate review under s. 985.534
14 ~~985.234~~.

15 Section 73. Section 985.417, Florida Statutes, is
16 renumbered as section 985.57, Florida Statutes.

17 Section 74. Subsections (1) through (3) and (6)
18 through (12) of section 985.404, Florida Statutes, are
19 renumbered as subsections (1) through (3) and (5) through (11)
20 of section 985.601, Florida Statutes, and subsections (4),
21 (5), and (9) of that section are amended to read:

22 985.601 ~~985.404~~ Administering the juvenile justice
23 continuum.--

24 ~~(4) The department may transfer a child, when~~
25 ~~necessary to appropriately administer the child's commitment,~~
26 ~~from one facility or program to another facility or program~~
27 ~~operated, contracted, subcontracted, or designated by the~~
28 ~~department, including a postcommitment nonresidential~~
29 ~~conditional release program. The department shall notify the~~
30 ~~court that committed the child to the department and any~~
31 ~~attorney of record, in writing, of its intent to transfer the~~

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~~child from a commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.~~

~~(4)(5)~~ The department shall maintain continuing cooperation with the Department of Education, the Department of Children and Family Services, the Agency for Workforce Innovation ~~Department of Labor and Employment Security~~, and the Department of Corrections for the purpose of participating in agreements with respect to dropout prevention and the reduction of suspensions, expulsions, and truancy; increased access to and participation in GED, vocational, and alternative education programs; and employment training and placement assistance. The cooperative agreements between the departments shall include an interdepartmental plan to cooperate in accomplishing the reduction of inappropriate transfers of children into the adult criminal justice and correctional systems.

~~(8)(9)~~ The department shall ensure that personnel responsible for the care, supervision, and individualized treatment of children are appropriately apprised of the requirements of this chapter part and trained in the specialized areas required to comply with standards established by rule.

Section 75. Section 985.3045, Florida Statutes, is renumbered as section 985.605, Florida Statutes.

Section 76. Section 985.3046, Florida Statutes, is renumbered as section 985.606, Florida Statutes, and amended to read:

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1 985.606 ~~985.3046~~ ~~Agencies and entities providing~~
2 Prevention services providers; ~~collection of~~ performance data
3 collection; reporting ~~requirements~~.--Each state agency or
4 entity that receives or uses state appropriations to fund
5 programs, grants, appropriations, or activities that are
6 designed to prevent juvenile crime, delinquency, gang
7 membership, status offense, or that are designed to prevent a
8 child from becoming a "child in need of services," as defined
9 in chapter 984, shall collect data relative to the performance
10 of such activities and shall provide said data to the
11 Governor, the President of the Senate, and the Speaker of the
12 House no later than January 31st of each year for the
13 preceding fiscal year, ~~beginning in 2002~~. Further, each state
14 agency or entity that receives or uses state appropriations to
15 fund programs, grants, appropriations, or activities that are
16 designed to prevent juvenile crime, delinquency, gang
17 membership, status offense, or that are designed to prevent a
18 child from becoming a "child in need of services," as defined
19 in chapter 984, shall cooperate with the department ~~of~~
20 ~~Juvenile Justice~~ with regard to the report described in s.
21 985.605(2) ~~985.3045(2)~~.

22 Section 77. Sections 985.305 and 985.2066, Florida
23 Statutes, are renumbered, respectively, as sections 985.61 and
24 985.614, Florida Statutes.

25 Section 78. Section 985.315, Florida Statutes, is
26 renumbered as section 985.618, Florida Statutes, and paragraph
27 (b) of subsection (4) of that section is amended to read:

28 985.618 ~~985.315~~ Educational and career-related
29 programs.--

30 (4)

31 (b) Evaluations of juvenile educational and

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1 career-related programs shall be conducted according to the
2 following guidelines:

3 1. Systematic evaluations and quality assurance
4 monitoring shall be implemented, in accordance with s. 985.632
5 ~~985.412~~(1), (2), and (5), to determine whether the programs
6 are related to successful postrelease adjustments.

7 2. Operations and policies of the programs shall be
8 reevaluated to determine if they are consistent with their
9 primary objectives.

10 Section 79. Section 985.3155, Florida Statutes, is
11 renumbered as section 985.622, Florida Statutes.

12 Section 80. Section 985.317, Florida Statutes, is
13 renumbered as section 985.625, Florida Statutes, and
14 subsection (3) of that section is amended to read:

15 985.625 ~~985.317~~ Literacy programs for juvenile
16 offenders.--

17 (3) INITIAL ASSESSMENT.--When an offender is admitted
18 to a residential commitment facility, the department or a
19 provider under contract with the department shall immediately
20 assess whether the offender has achieved a sixth-grade or
21 higher reading and writing level. An assessment may be
22 conducted at a juvenile assessment center as provided in s.
23 985.135 ~~985.209~~ as a part of the intake process. If the
24 department or a provider determines that an offender has not
25 achieved a sixth-grade or higher reading and writing level,
26 the offender shall participate in a program if the offender
27 meets the criteria for participation.

28 Section 81. Section 985.419, Florida Statutes, is
29 renumbered as section 985.629, Florida Statutes.

30 Section 82. Section 985.412, Florida Statutes, is
31 renumbered as section 985.632, Florida Statutes.

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1 Section 83. Sections 985.42 and 985.405, Florida
2 Statutes, are renumbered, respectively, as sections 985.636
3 and 985.64, Florida Statutes.

4 Section 84. Subsection (2) of section 985.01, Florida
5 Statutes, is renumbered as subsection (1) of section 985.644,
6 Florida Statutes, and subsections (1) through (5) of section
7 985.407, Florida Statutes, are renumbered as subsections (2)
8 through (6) of section 985.644, Florida Statutes.

9 Section 85. Section 985.408, Florida Statutes, is
10 renumbered as section 985.648, Florida Statutes, and amended
11 to read:

12 985.648 ~~985.408~~ Consultants.--The department may hire
13 consultants to advise and confer with the judges of the
14 circuit courts upon request of any such court and for the
15 purpose of advising the department on programs, facilities,
16 institutions, care, supervision, and all other services and
17 treatment for children committed to the department's care
18 under ~~pursuant to this chapter part.~~

19 Section 86. Section 985.409, Florida Statutes, is
20 renumbered as section 985.652, Florida Statutes.

21 Section 87. Section 985.406, Florida Statutes, is
22 renumbered as section 985.66, Florida Statutes, and paragraph
23 (a) of subsection (3) of that section is amended to read:

24 985.66 ~~985.406~~ Juvenile justice training academies
25 ~~established~~; Juvenile Justice Standards and Training
26 Commission ~~created~~; Juvenile Justice Training Trust Fund
27 ~~created~~.--

28 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission
29 shall establish a certifiable program for juvenile justice
30 training pursuant to this section, and all department ~~of~~
31 ~~Juvenile Justice~~ program staff and providers who deliver

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1 direct care services pursuant to contract with the department
2 shall be required to participate in and successfully complete
3 the commission-approved program of training pertinent to their
4 areas of responsibility. Judges, state attorneys, and public
5 defenders, law enforcement officers, and school district
6 personnel may participate in such training program. For the
7 juvenile justice program staff, the commission shall, based on
8 a job-task analysis:

9 (a) Design, implement, maintain, evaluate, and revise
10 a basic training program, including a competency-based
11 examination, for the purpose of providing minimum employment
12 training qualifications for all juvenile justice personnel.
13 All program staff of the department ~~of Juvenile Justice~~ and
14 providers who deliver direct-care services who are hired after
15 October 1, 1999, must meet the following minimum requirements:

- 16 1. Be at least 19 years of age.
- 17 2. Be a high school graduate or its equivalent as
18 determined by the commission.
- 19 3. Not have been convicted of any felony or a
20 misdemeanor involving perjury or a false statement, or have
21 received a dishonorable discharge from any of the Armed Forces
22 of the United States. Any person who, after September 30,
23 1999, pleads guilty or nolo contendere to or is found guilty
24 of any felony or a misdemeanor involving perjury or false
25 statement is not eligible for employment, notwithstanding
26 suspension of sentence or withholding of adjudication.
27 Notwithstanding this subparagraph, any person who pleads nolo
28 contendere to a misdemeanor involving a false statement before
29 October 1, 1999, and who has had such record of that plea
30 sealed or expunged is not ineligible for employment for that

31 reason.

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1 4. Abide by all the provisions of s. 985.644(1)
2 ~~985.01(2)~~ regarding fingerprinting and background
3 investigations and other screening requirements for personnel.

4 5. Execute and submit to the department an
5 affidavit-of-application form, adopted by the department,
6 attesting to his or her compliance with subparagraphs 1.-4.
7 The affidavit must be executed under oath and constitutes an
8 official statement under s. 837.06. The affidavit must include
9 conspicuous language that the intentional false execution of
10 the affidavit constitutes a misdemeanor of the second degree.
11 The employing agency shall retain the affidavit.

12 Section 88. Section 985.4135, Florida Statutes, is
13 renumbered as section 985.664, Florida Statutes, and
14 subsection (5) of that section is amended to read:

15 985.664 ~~985.4135~~ Juvenile justice circuit boards and
16 juvenile justice county councils.--

17 (5) Juvenile justice circuit boards and county
18 councils shall advise and assist the department in the
19 evaluation and award of prevention and early intervention
20 grant programs, including the Community Juvenile Justice
21 Partnership Grant program established in s. 985.676 ~~985.415~~
22 and proceeds from the Invest in Children license plate annual
23 use fees.

24 Section 89. Sections 985.416 and 985.4145, Florida
25 Statutes, are renumbered, respectively, as sections 985.668
26 and 985.672, Florida Statutes.

27 Section 90. Section 985.415, Florida Statutes, is
28 renumbered as section 985.676, Florida Statutes, and paragraph
29 (a) of subsection (1) and paragraphs (a) and (e) of subsection
30 (2) of that section are amended to read:

31 985.676 ~~985.415~~ Community juvenile justice partnership

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1 grants.--

2 (1) GRANTS; CRITERIA.--

3 (a) In order to encourage the development of county
4 and circuit juvenile justice plans and the development and
5 implementation of county and circuit interagency agreements
6 ~~under pursuant to s. 985.664~~ 985.4135, the community juvenile
7 justice partnership grant program is established, and shall be
8 administered by the department ~~of Juvenile Justice~~.

9 (2) GRANT APPLICATION PROCEDURES.--

10 (a) Each entity wishing to apply for an annual
11 community juvenile justice partnership grant, which may be
12 renewed for a maximum of 2 additional years for the same
13 provision of services, shall submit a grant proposal for
14 funding or continued funding to the department. The department
15 shall establish the grant application procedures. In order to
16 be considered for funding, the grant proposal shall include
17 the following assurances and information:

18 1. A letter from the chair of the juvenile justice
19 circuit board confirming that the grant application has been
20 reviewed and found to support one or more purposes or goals of
21 the juvenile justice plan as developed by the board.

22 2. A rationale and description of the program and the
23 services to be provided, including goals and objectives.

24 3. A method for identification of the juveniles most
25 likely to be involved in the juvenile justice system who will
26 be the focus of the program.

27 4. Provisions for the participation of parents and
28 guardians in the program.

29 5. Coordination with other community-based and social
30 service prevention efforts, including, but not limited to,
31 drug and alcohol abuse prevention and dropout prevention

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programs, that serve the target population or neighborhood.

6. An evaluation component to measure the effectiveness of the program in accordance with ~~the provisions of s. 985.632 985.412.~~

7. A program budget, including the amount and sources of local cash and in-kind resources committed to the budget. The proposal must establish to the satisfaction of the department that the entity will make a cash or in-kind contribution to the program of a value that is at least equal to 20 percent of the amount of the grant.

8. The necessary program staff.

(e) Each entity that is awarded a grant as provided for in this section shall submit an annual evaluation report to the department, the circuit juvenile justice manager, the juvenile justice circuit board, and the juvenile justice county council, by a date subsequent to the end of the contract period established by the department, documenting the extent to which the program objectives have been met, the effect of the program on the juvenile arrest rate, and any other information required by the department. The department shall coordinate and incorporate all such annual evaluation reports with ~~the provisions of s. 985.632 985.412.~~ Each entity is also subject to a financial audit and a performance audit.

Section 91. Section 985.403, Florida Statutes, is renumbered as section 985.68, Florida Statutes.

Section 92. Section 985.41, Florida Statutes, is renumbered as section 985.682, Florida Statutes, and subsection (1) of that section is amended to read:

985.682 985.41 Siting of facilities; study; criteria

(1) The department is directed to conduct or contract for a statewide comprehensive study to determine current and

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1 future needs for all types of facilities for children
2 committed to the custody, care, or supervision of the
3 department under ~~pursuant to~~ this chapter ~~part~~.

4 Section 93. Section 985.2155, Florida Statutes, as
5 amended by chapter 2004-473, Laws of Florida, is renumbered as
6 section 985.686, Florida Statutes.

7 Section 94. Section 985.411, Florida Statutes, is
8 renumbered as section 985.688, Florida Statutes, and paragraph
9 (b) of subsection (10) of that section is amended to read:

10 985.688 ~~985.411~~ Administering county and municipal
11 delinquency programs and facilities.--

12 (10)

13 (b) The department may institute proceedings against a
14 county or municipality to terminate the operation of a
15 facility when any of the following conditions exist:

16 1. The facility fails to take preventive or corrective
17 measures in accordance with any order of the department.

18 2. The facility fails to abide by any final order of
19 the department once it has become effective and binding.

20 3. The facility commits any violation of this section
21 constituting an emergency requiring immediate action as
22 provided in this chapter.

23 4. The facility has willfully and knowingly refused to
24 comply with the screening requirement for personnel under
25 ~~pursuant to~~ s. 985.644(1) ~~985.01~~ or has refused to dismiss
26 personnel found to be in noncompliance with the requirements
27 for good moral character.

28 Section 95. Sections 985.4075, 985.4041, and 985.4042,
29 Florida Statutes, are renumbered, respectively, as sections
30 985.69, 985.692, and 985.694, Florida Statutes.

31 Section 96. Sections 985.4045 and 985.4046, Florida

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1 Statutes, are renumbered, respectively, as sections 985.701
2 and 985.711, Florida Statutes.

3 Section 97. Section 985.3141, Florida Statutes, is
4 renumbered as section 985.721, Florida Statutes, and
5 subsection (2) of that section is amended to read:

6 985.721 ~~985.3141~~ Escapes from secure detention or
7 residential commitment facility.--An escape from:

8 (2) Any residential commitment facility described in
9 s. 985.03(43)(45), maintained for the custody, treatment,
10 punishment, or rehabilitation of children found to have
11 committed delinquent acts or violations of law; or constitutes
12 escape within the intent and meaning of s. 944.40 and is a
13 felony of the third degree, punishable as provided in s.
14 775.082, s. 775.083, or s. 775.084.

15 Section 98. Sections 985.2065, 985.501, 985.502,
16 985.503, 985.504, 985.505, 985.506, and 985.507, Florida
17 Statutes, are renumbered, respectively, as sections 985.731,
18 985.801, 985.802, 985.803, 985.804, 985.805, 985.806, and
19 985.807, Florida Statutes.

20 Section 99. Subsection (6) of section 985.215, Florida
21 Statutes, paragraphs (b), (c), (f), and (i) of subsection (1)
22 and subsection (2) of section 985.231, Florida Statutes, and
23 paragraph (d) of subsection (4) of section 985.233, Florida
24 Statutes, are repealed.

25 Section 100. Subsection (11) of section 29.004,
26 Florida Statutes, is amended to read:

27 29.004 State courts system.--For purposes of
28 implementing s. 14, Art. V of the State Constitution, the
29 elements of the state courts system to be provided from state
30 revenues appropriated by general law are as follows:

31 (11) Mediation and arbitration, limited to trial court

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1 referral of a pending judicial case to a mediator or a
2 court-related mediation program, or to an arbitrator or a
3 court-related arbitration program, for the limited purpose of
4 encouraging and assisting the litigants in partially or
5 completely settling the case prior to adjudication on the
6 merits by the court. This does not include citizen dispute
7 settlement centers under s. 44.201 and community arbitration
8 programs under s. 985.16 ~~985.304~~.

9 Section 101. Paragraph (b) of subsection (3) of
10 section 29.008, Florida Statutes, is amended to read:

11 29.008 County funding of court-related functions.--

12 (3) The following shall be considered a local
13 requirement pursuant to subparagraph (2)(a)1.:

14 (b) Alternative sanctions coordinators pursuant to ss.
15 984.09 and 985.037 ~~985.216~~.

16 Section 102. Subsection (17) of section 253.025,
17 Florida Statutes, is amended to read:

18 253.025 Acquisition of state lands for purposes other
19 than preservation, conservation, and recreation.--

20 (17) Pursuant to s. 985.682 ~~985.41~~, the Department of
21 Juvenile Justice is responsible for obtaining appraisals and
22 entering into option agreements and agreements for the
23 purchase of state juvenile justice facility sites. An option
24 agreement or agreement for purchase is not binding upon the
25 state until it is approved by the Board of Trustees of the
26 Internal Improvement Trust Fund. The provisions of paragraphs
27 (6)(b), (c), and (d) and (7)(b), (c), and (d) apply to all
28 appraisals, offers, and counteroffers of the Department of
29 Juvenile Justice for state juvenile justice facility sites.

30 Section 103. Subsection (1) of section 318.21, Florida
31 Statutes, is amended to read:

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1 318.21 Disposition of civil penalties by county
2 courts.--All civil penalties received by a county court
3 pursuant to the provisions of this chapter shall be
4 distributed and paid monthly as follows:

5 (1) One dollar from every civil penalty shall be
6 remitted to the Department of Revenue for deposit into the
7 Child Welfare Training Trust Fund for child welfare training
8 purposes pursuant to s. 402.40. One dollar from every civil
9 penalty shall be remitted to the Department of Revenue for
10 deposit into the Juvenile Justice Training Trust Fund for
11 juvenile justice purposes pursuant to s. 985.66 ~~985.406~~.

12 Section 104. Subsection (3) of section 397.334,
13 Florida Statutes, is amended to read:

14 397.334 Treatment-based drug court programs.--

15 (3) Treatment-based drug court programs may include
16 pretrial intervention programs as provided in ss. 948.08,
17 948.16, and 985.345 ~~985.306~~.

18 Section 105. Subsection (3) of section 400.953,
19 Florida Statutes, is amended to read:

20 400.953 Background screening of home medical equipment
21 provider personnel.--The agency shall require employment
22 screening as provided in chapter 435, using the level 1
23 standards for screening set forth in that chapter, for home
24 medical equipment provider personnel.

25 (3) Proof of compliance with the screening
26 requirements of s. 110.1127, s. 393.0655, s. 394.4572, s.
27 397.451, s. 402.305, s. 402.313, s. 409.175, s. 464.008, or s.
28 985.644 ~~985.407~~ or this part must be accepted in lieu of the
29 requirements of this section if the person has been
30 continuously employed in the same type of occupation for which
31 he or she is seeking employment without a breach in service

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1 that exceeds 180 days, the proof of compliance is not more
2 than 2 years old, and the person has been screened by the
3 Department of Law Enforcement. An employer or contractor shall
4 directly provide proof of compliance to another employer or
5 contractor, and a potential employer or contractor may not
6 accept any proof of compliance directly from the person
7 requiring screening. Proof of compliance with the screening
8 requirements of this section shall be provided, upon request,
9 to the person screened by the home medical equipment provider.

10 Section 106. Paragraph (d) of subsection (1) of
11 section 419.001, Florida Statutes, is amended to read:

12 419.001 Site selection of community residential
13 homes.--

14 (1) For the purposes of this section, the following
15 definitions shall apply:

16 (d) "Resident" means any of the following: a frail
17 elder as defined in s. 400.618; a physically disabled or
18 handicapped person as defined in s. 760.22(7)(a); a
19 developmentally disabled person as defined in s. 393.063; a
20 nondangerous mentally ill person as defined in s. 394.455(18);
21 or a child as defined in s. 39.01(14), s. 984.03(9) or (12),
22 or s. 985.03~~(8)~~.

23 Section 107. Paragraphs (tt) and (uu) of subsection
24 (2) of section 435.04, Florida Statutes, are amended to read:

25 435.04 Level 2 screening standards.--

26 (2) The security background investigations under this
27 section must ensure that no persons subject to the provisions
28 of this section have been found guilty of, regardless of
29 adjudication, or entered a plea of nolo contendere or guilty
30 to, any offense prohibited under any of the following

31 provisions of the Florida Statutes or under any similar

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1 statute of another jurisdiction:

2 (tt) Section 985.701 ~~985.4045~~, relating to sexual
3 misconduct in juvenile justice programs.

4 (uu) Section 985.711 ~~985.4046~~, relating to contraband
5 introduced into detention facilities.

6 Section 108. Section 784.075, Florida Statutes, is
7 amended to read:

8 784.075 Battery on detention or commitment facility
9 staff or a juvenile probation officer.--A person who commits a
10 battery on a juvenile probation officer, as defined in s.
11 984.03 or s. 985.03, on other staff of a detention center or
12 facility as defined in s. 984.03(19) or s. 985.03~~(19)~~, or on a
13 staff member of a commitment facility as defined in s.
14 985.03~~(45)~~, commits a felony of the third degree, punishable
15 as provided in s. 775.082, s. 775.083, or s. 775.084. For
16 purposes of this section, a staff member of the facilities
17 listed includes persons employed by the Department of Juvenile
18 Justice, persons employed at facilities licensed by the
19 Department of Juvenile Justice, and persons employed at
20 facilities operated under a contract with the Department of
21 Juvenile Justice.

22 Section 109. Subsection (4) of section 790.115,
23 Florida Statutes, is amended to read:

24 790.115 Possessing or discharging weapons or firearms
25 at a school-sponsored event or on school property prohibited;
26 penalties; exceptions.--

27 (4) Notwithstanding s. 985.24 ~~985.213~~, s. 985.245
28 ~~985.214~~, or s. 985.25(1) ~~985.215(1)~~, any minor under 18 years
29 of age who is charged under this section with possessing or
30 discharging a firearm on school property shall be detained in
31 secure detention, unless the state attorney authorizes the

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1 release of the minor, and shall be given a probable cause
2 hearing within 24 hours after being taken into custody. At the
3 hearing, the court may order that the minor continue to be
4 held in secure detention for a period of 21 days, during which
5 time the minor shall receive medical, psychiatric,
6 psychological, or substance abuse examinations pursuant to s.
7 985.18 ~~985.224~~, and a written report shall be completed.

8 Section 110. Subsections (8) and (9) of section
9 790.22, Florida Statutes, are amended to read:

10 790.22 Use of BB guns, air or gas-operated guns, or
11 electric weapons or devices by minor under 16; limitation;
12 possession of firearms by minor under 18 prohibited;
13 penalties.--

14 (8) Notwithstanding s. 985.24 ~~985.213~~ or s. 985.25(1)
15 ~~985.215(1)~~, if a minor under 18 years of age is charged with
16 an offense that involves the use or possession of a firearm,
17 as defined in s. 790.001, including a violation of subsection
18 (3), or is charged for any offense during the commission of
19 which the minor possessed a firearm, the minor shall be
20 detained in secure detention, unless the state attorney
21 authorizes the release of the minor, and shall be given a
22 hearing within 24 hours after being taken into custody. At the
23 hearing, the court may order that the minor continue to be
24 held in secure detention in accordance with the applicable
25 time periods specified in s. 985.26(1)-(5) ~~985.215(5)~~, if the
26 court finds that the minor meets the criteria specified in s.
27 985.255 ~~985.215(2)~~, or if the court finds by clear and
28 convincing evidence that the minor is a clear and present
29 danger to himself or herself or the community. The Department
30 of Juvenile Justice shall prepare a form for all minors
31 charged under this subsection that states the period of

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1 detention and the relevant demographic information, including,
2 but not limited to, the sex, age, and race of the minor;
3 whether or not the minor was represented by private counsel or
4 a public defender; the current offense; and the minor's
5 complete prior record, including any pending cases. The form
6 shall be provided to the judge to be considered when
7 determining whether the minor should be continued in secure
8 detention under this subsection. An order placing a minor in
9 secure detention because the minor is a clear and present
10 danger to himself or herself or the community must be in
11 writing, must specify the need for detention and the benefits
12 derived by the minor or the community by placing the minor in
13 secure detention, and must include a copy of the form provided
14 by the department. The Department of Juvenile Justice must
15 send the form, including a copy of any order, without
16 client-identifying information, to the Office of Economic and
17 Demographic Research.

18 (9) Notwithstanding s. 985.245 ~~985.214~~, if the minor
19 is found to have committed an offense that involves the use or
20 possession of a firearm, as defined in s. 790.001, other than
21 a violation of subsection (3), or an offense during the
22 commission of which the minor possessed a firearm, and the
23 minor is not committed to a residential commitment program of
24 the Department of Juvenile Justice, in addition to any other
25 punishment provided by law, the court shall order:

26 (a) For a first offense, that the minor shall serve a
27 minimum period of detention of 15 days in a secure detention
28 facility; and

29 1. Perform 100 hours of community service; and may

30 2. Be placed on community control or in a

31 nonresidential commitment program.

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1 (b) For a second or subsequent offense, that the minor
2 shall serve a mandatory period of detention of at least 21
3 days in a secure detention facility; and

4 1. Perform not less than 100 nor more than 250 hours
5 of community service; and may

6 2. Be placed on community control or in a
7 nonresidential commitment program.

8
9 The minor shall not receive credit for time served before
10 adjudication. For the purposes of this subsection, community
11 service shall be performed, if possible, in a manner involving
12 a hospital emergency room or other medical environment that
13 deals on a regular basis with trauma patients and gunshot
14 wounds.

15 Section 111. Paragraph (c) of subsection (3) of
16 section 921.0022, Florida Statutes, is amended to read:

17 921.0022 Criminal Punishment Code; offense severity
18 ranking chart.--

19 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066(3)(d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

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1	319.30(4)	3rd	Possession by junkyard of motor
2			vehicle with identification
3			number plate removed.
4	319.33(1)(a)	3rd	Alter or forge any certificate of
5			title to a motor vehicle or
6			mobile home.
7	319.33(1)(c)	3rd	Procure or pass title on stolen
8			vehicle.
9	319.33(4)	3rd	With intent to defraud, possess,
10			sell, etc., a blank, forged, or
11			unlawfully obtained title or
12			registration.
13	327.35(2)(b)	3rd	Felony BUI.
14	328.05(2)	3rd	Possess, sell, or counterfeit
15			fictitious, stolen, or fraudulent
16			titles or bills of sale of
17			vessels.
18	328.07(4)	3rd	Manufacture, exchange, or possess
19			vessel with counterfeit or wrong
20			ID number.
21	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating,
22			destroying, causing to be
23			destroyed, transferring, selling,
24			offering to sell, molesting, or
25			harassing marine turtles, marine
26			turtle eggs, or marine turtle
27			nests in violation of the Marine
28			Turtle Protection Act.
29	370.12(1)(e)6.	3rd	Soliciting to commit or
30			conspiring to commit a violation
31			of the Marine Turtle Protection

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1			Act.
2	376.302(5)	3rd	Fraud related to reimbursement
3			for cleanup expenses under the
4			Inland Protection Trust Fund.
5	400.903(3)	3rd	Operating a clinic without a
6			license or filing false license
7			application or other required
8			information.
9	440.105(3)(b)	3rd	Receipt of fee or consideration
10			without approval by judge of
11			compensation claims.
12	440.1051(3)	3rd	False report of workers'
13			compensation fraud or retaliation
14			for making such a report.
15	501.001(2)(b)	2nd	Tampers with a consumer product
16			or the container using materially
17			false/misleading information.
18	624.401(4)(a)	3rd	Transacting insurance without a
19			certificate of authority.
20	624.401(4)(b)1.	3rd	Transacting insurance without a
21			certificate of authority; premium
22			collected less than \$20,000.
23	626.902(1)(a) & (b)	3rd	Representing an unauthorized
24			insurer.
25	697.08	3rd	Equity skimming.
26	790.15(3)	3rd	Person directs another to
27			discharge firearm from a vehicle.
28	796.05(1)	3rd	Live on earnings of a prostitute.
29	806.10(1)	3rd	Maliciously injure, destroy, or
30			interfere with vehicles or
31			equipment used in firefighting.

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1	806.10(2)	3rd	Interferes with or assaults
2			firefighter in performance of
3			duty.
4	810.09(2)(c)	3rd	Trespass on property other than
5			structure or conveyance armed
6			with firearm or dangerous weapon.
7	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
8			less than \$10,000.
9	812.0145(2)(c)	3rd	Theft from person 65 years of age
10			or older; \$300 or more but less
11			than \$10,000.
12	815.04(4)(b)	2nd	Computer offense devised to
13			defraud or obtain property.
14	817.034(4)(a)3.	3rd	Engages in scheme to defraud
15			(Florida Communications Fraud
16			Act), property valued at less
17			than \$20,000.
18	817.233	3rd	Burning to defraud insurer.
19	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons
20			involved in motor vehicle
21			accidents.
22	817.234(11)(a)	3rd	Insurance fraud; property value
23			less than \$20,000.
24	817.236	3rd	Filing a false motor vehicle
25			insurance application.
26	817.2361	3rd	Creating, marketing, or
27			presenting a false or fraudulent
28			motor vehicle insurance card.
29	817.413(2)	3rd	Sale of used goods as new.
30	817.505(4)	3rd	Patient brokering.

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1	828.12(2)	3rd	Tortures any animal with intent
2			to inflict intense pain, serious
3			physical injury, or death.
4	831.28(2)(a)	3rd	Counterfeiting a payment
5			instrument with intent to defraud
6			or possessing a counterfeit
7			payment instrument.
8	831.29	2nd	Possession of instruments for
9			counterfeiting drivers' licenses
10			or identification cards.
11	838.021(3)(b)	3rd	Threatens unlawful harm to public
12			servant.
13	843.19	3rd	Injure, disable, or kill police
14			dog or horse.
15	860.15(3)	3rd	Overcharging for repairs and
16			parts.
17	870.01(2)	3rd	Riot; inciting or encouraging.
18	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
19			cannabis (or other s.
20			893.03(1)(c), (2)(c)1., (2)(c)2.,
21			(2)(c)3., (2)(c)5., (2)(c)6.,
22			(2)(c)7., (2)(c)8., (2)(c)9.,
23			(3), or (4) drugs).
24	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
25			893.03(1)(c), (2)(c)1., (2)(c)2.,
26			(2)(c)3., (2)(c)5., (2)(c)6.,
27			(2)(c)7., (2)(c)8., (2)(c)9.,
28			(3), or (4) drugs within 1,000
29			feet of university.
30	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
31			893.03(1)(c), (2)(c)1., (2)(c)2.,

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1			(2)(c)3., (2)(c)5., (2)(c)6.,
2			(2)(c)7., (2)(c)8., (2)(c)9.,
3			(3), or (4) drugs within 1,000
4			feet of public housing facility.
5	893.13(6)(a)	3rd	Possession of any controlled
6			substance other than felony
7			possession of cannabis.
8	893.13(7)(a)8.	3rd	Withhold information from
9			practitioner regarding previous
10			receipt of or prescription for a
11			controlled substance.
12	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
13			controlled substance by fraud,
14			forgery, misrepresentation, etc.
15	893.13(7)(a)10.	3rd	Affix false or forged label to
16			package of controlled substance.
17	893.13(7)(a)11.	3rd	Furnish false or fraudulent
18			material information on any
19			document or record required by
20			chapter 893.
21	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
22			person, or owner of an animal in
23			obtaining a controlled substance
24			through deceptive, untrue, or
25			fraudulent representations in or
26			related to the practitioner's
27			practice.
28	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
29			practitioner's practice to assist
30			a patient, other person, or owner
31			of an animal in obtaining a

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1			controlled substance.
2	893.13(8)(a)3.	3rd	Knowingly write a prescription
3			for a controlled substance for a
4			fictitious person.
5	893.13(8)(a)4.	3rd	Write a prescription for a
6			controlled substance for a
7			patient, other person, or an
8			animal if the sole purpose of
9			writing the prescription is a
10			monetary benefit for the
11			practitioner.
12	918.13(1)(a)	3rd	Alter, destroy, or conceal
13			investigation evidence.
14	944.47(1)(a)1.-2.	3rd	Introduce contraband to
15			correctional facility.
16	944.47(1)(c)	2nd	Possess contraband while upon the
17			grounds of a correctional
18			institution.
19	<u>985.721</u> 985.3141	3rd	Escapes from a juvenile facility
20			(secure detention or residential
21			commitment facility).
22	Section 112. Subsection (1) of section 938.10, Florida		
23	Statutes, is amended to read:		
24	938.10 Additional court cost imposed in cases of		
25	certain crimes against minors.--		
26	(1) If a person pleads guilty or nolo contendere to,		
27	or is found guilty of, regardless of adjudication, any offense		
28	against a minor in violation of s. 784.085, chapter 787,		
29	chapter 794, s. 796.03, s. 800.04, chapter 827, s. 847.0145,		
30	or s. <u>985.701</u> 985.4045 , the court shall impose a court cost of		
31	\$101 against the offender in addition to any other cost or		

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1 penalty required by law.

2 Section 113. Subsection (9) of section 943.053,
3 Florida Statutes, is amended to read:

4 943.053 Dissemination of criminal justice information;
5 fees.--

6 (9) Notwithstanding the provisions of s. 943.0525 and
7 any user agreements adopted pursuant thereto, and
8 notwithstanding the confidentiality of sealed records as
9 provided for in s. 943.059, the Department of Juvenile Justice
10 or any other state or local criminal justice agency may
11 provide copies of the Florida criminal history records for
12 juvenile offenders currently or formerly detained or housed in
13 a contracted juvenile assessment center or detention facility
14 or serviced in a contracted treatment program and for
15 employees or other individuals who will have access to these
16 facilities, only to the entity under direct contract with the
17 Department of Juvenile Justice to operate these facilities or
18 programs pursuant to the provisions of s. 985.688 ~~985.411~~. The
19 criminal justice agency providing such data may assess a
20 charge for the Florida criminal history records pursuant to
21 the provisions of chapter 119. Sealed records received by the
22 private entity under this section remain confidential and
23 exempt from the provisions of s. 119.07(1). Information
24 provided under this section shall be used only for the
25 criminal justice purpose for which it was requested and may
26 not be further disseminated.

27 Section 114. Subsection (1) of section 943.0582,
28 Florida Statutes, is amended to read:

29 943.0582 Prearrest, postarrest, or teen court
30 diversion program expunction.--

31 (1) Notwithstanding any law dealing generally with the

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1 preservation and destruction of public records, the department
2 may provide, by rule adopted pursuant to chapter 120, for the
3 expunction of any nonjudicial record of the arrest of a minor
4 who has successfully completed a prearrest or postarrest
5 diversion program for minors as authorized by s. 985.125
6 ~~985.3065~~.

7 Section 115. Paragraph (a) of subsection (4) of
8 section 943.0585, Florida Statutes, is amended to read:

9 943.0585 Court-ordered expunction of criminal history
10 records.--The courts of this state have jurisdiction over
11 their own procedures, including the maintenance, expunction,
12 and correction of judicial records containing criminal history
13 information to the extent such procedures are not inconsistent
14 with the conditions, responsibilities, and duties established
15 by this section. Any court of competent jurisdiction may order
16 a criminal justice agency to expunge the criminal history
17 record of a minor or an adult who complies with the
18 requirements of this section. The court shall not order a
19 criminal justice agency to expunge a criminal history record
20 until the person seeking to expunge a criminal history record
21 has applied for and received a certificate of eligibility for
22 expunction pursuant to subsection (2). A criminal history
23 record that relates to a violation of s. 393.135, s. 394.4593,
24 s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s.
25 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,
26 s. 847.0145, s. 893.135, s. 916.1075, or a violation
27 enumerated in s. 907.041 may not be expunged, without regard
28 to whether adjudication was withheld, if the defendant was
29 found guilty of or pled guilty or nolo contendere to the
30 offense, or if the defendant, as a minor, was found to have
31 committed, or pled guilty or nolo contendere to committing,

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1 the offense as a delinquent act. The court may only order
 2 expunction of a criminal history record pertaining to one
 3 arrest or one incident of alleged criminal activity, except as
 4 provided in this section. The court may, at its sole
 5 discretion, order the expunction of a criminal history record
 6 pertaining to more than one arrest if the additional arrests
 7 directly relate to the original arrest. If the court intends
 8 to order the expunction of records pertaining to such
 9 additional arrests, such intent must be specified in the
 10 order. A criminal justice agency may not expunge any record
 11 pertaining to such additional arrests if the order to expunge
 12 does not articulate the intention of the court to expunge a
 13 record pertaining to more than one arrest. This section does
 14 not prevent the court from ordering the expunction of only a
 15 portion of a criminal history record pertaining to one arrest
 16 or one incident of alleged criminal activity. Notwithstanding
 17 any law to the contrary, a criminal justice agency may comply
 18 with laws, court orders, and official requests of other
 19 jurisdictions relating to expunction, correction, or
 20 confidential handling of criminal history records or
 21 information derived therefrom. This section does not confer
 22 any right to the expunction of any criminal history record,
 23 and any request for expunction of a criminal history record
 24 may be denied at the sole discretion of the court.

25 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
 26 criminal history record of a minor or an adult which is
 27 ordered expunged by a court of competent jurisdiction pursuant
 28 to this section must be physically destroyed or obliterated by
 29 any criminal justice agency having custody of such record;
 30 except that any criminal history record in the custody of the
 31 department must be retained in all cases. A criminal history

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1 record ordered expunged that is retained by the department is
2 confidential and exempt from the provisions of s. 119.07(1)
3 and s. 24(a), Art. I of the State Constitution and not
4 available to any person or entity except upon order of a court
5 of competent jurisdiction. A criminal justice agency may
6 retain a notation indicating compliance with an order to
7 expunge.

8 (a) The person who is the subject of a criminal
9 history record that is expunged under this section or under
10 other provisions of law, including former s. 893.14, former s.
11 901.33, and former s. 943.058, may lawfully deny or fail to
12 acknowledge the arrests covered by the expunged record, except
13 when the subject of the record:

14 1. Is a candidate for employment with a criminal
15 justice agency;

16 2. Is a defendant in a criminal prosecution;

17 3. Concurrently or subsequently petitions for relief
18 under this section or s. 943.059;

19 4. Is a candidate for admission to The Florida Bar;

20 5. Is seeking to be employed or licensed by or to
21 contract with the Department of Children and Family Services
22 or the Department of Juvenile Justice or to be employed or
23 used by such contractor or licensee in a sensitive position
24 having direct contact with children, the developmentally
25 disabled, the aged, or the elderly as provided in s.

26 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.
27 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
28 916.106(10) and (13), s. 985.644 ~~985.407~~, or chapter 400; or

29 6. Is seeking to be employed or licensed by the
30 Department of Education, any district school board, any

31 university laboratory school, any charter school, any private

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1 or parochial school, or any local governmental entity that
2 licenses child care facilities.

3 Section 116. Paragraph (a) of subsection (4) of
4 section 943.059, Florida Statutes, is amended to read:

5 943.059 Court-ordered sealing of criminal history
6 records.--The courts of this state shall continue to have
7 jurisdiction over their own procedures, including the
8 maintenance, sealing, and correction of judicial records
9 containing criminal history information to the extent such
10 procedures are not inconsistent with the conditions,
11 responsibilities, and duties established by this section. Any
12 court of competent jurisdiction may order a criminal justice
13 agency to seal the criminal history record of a minor or an
14 adult who complies with the requirements of this section. The
15 court shall not order a criminal justice agency to seal a
16 criminal history record until the person seeking to seal a
17 criminal history record has applied for and received a
18 certificate of eligibility for sealing pursuant to subsection
19 (2). A criminal history record that relates to a violation of
20 s. 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03,
21 s. 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839,
22 s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
23 916.1075, or a violation enumerated in s. 907.041 may not be
24 sealed, without regard to whether adjudication was withheld,
25 if the defendant was found guilty of or pled guilty or nolo
26 contendere to the offense, or if the defendant, as a minor,
27 was found to have committed or pled guilty or nolo contendere
28 to committing the offense as a delinquent act. The court may
29 only order sealing of a criminal history record pertaining to
30 one arrest or one incident of alleged criminal activity,

31 except as provided in this section. The court may, at its sole

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1 discretion, order the sealing of a criminal history record
2 pertaining to more than one arrest if the additional arrests
3 directly relate to the original arrest. If the court intends
4 to order the sealing of records pertaining to such additional
5 arrests, such intent must be specified in the order. A
6 criminal justice agency may not seal any record pertaining to
7 such additional arrests if the order to seal does not
8 articulate the intention of the court to seal records
9 pertaining to more than one arrest. This section does not
10 prevent the court from ordering the sealing of only a portion
11 of a criminal history record pertaining to one arrest or one
12 incident of alleged criminal activity. Notwithstanding any law
13 to the contrary, a criminal justice agency may comply with
14 laws, court orders, and official requests of other
15 jurisdictions relating to sealing, correction, or confidential
16 handling of criminal history records or information derived
17 therefrom. This section does not confer any right to the
18 sealing of any criminal history record, and any request for
19 sealing a criminal history record may be denied at the sole
20 discretion of the court.

21 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A
22 criminal history record of a minor or an adult which is
23 ordered sealed by a court of competent jurisdiction pursuant
24 to this section is confidential and exempt from the provisions
25 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
26 and is available only to the person who is the subject of the
27 record, to the subject's attorney, to criminal justice
28 agencies for their respective criminal justice purposes, or to
29 those entities set forth in subparagraphs (a)1., 4., 5., and
30 6. for their respective licensing and employment purposes.

31 (a) The subject of a criminal history record sealed

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1 under this section or under other provisions of law, including
2 former s. 893.14, former s. 901.33, and former s. 943.058, may
3 lawfully deny or fail to acknowledge the arrests covered by
4 the sealed record, except when the subject of the record:

5 1. Is a candidate for employment with a criminal
6 justice agency;

7 2. Is a defendant in a criminal prosecution;

8 3. Concurrently or subsequently petitions for relief
9 under this section or s. 943.0585;

10 4. Is a candidate for admission to The Florida Bar;

11 5. Is seeking to be employed or licensed by or to
12 contract with the Department of Children and Family Services
13 or the Department of Juvenile Justice or to be employed or
14 used by such contractor or licensee in a sensitive position
15 having direct contact with children, the developmentally
16 disabled, the aged, or the elderly as provided in s.
17 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.
18 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
19 415.103, s. 916.106(10) and (13), s. 985.644 ~~985.407~~, or
20 chapter 400; or

21 6. Is seeking to be employed or licensed by the
22 Department of Education, any district school board, any
23 university laboratory school, any charter school, any private
24 or parochial school, or any local governmental entity that
25 licenses child care facilities.

26 Section 117. Subsection (2) of section 948.51, Florida
27 Statutes, is amended to read:

28 948.51 Community corrections assistance to counties or
29 county consortiums.--

30 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.--A
31 county, or a consortium of two or more counties, may contract

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1 with the Department of Corrections for community corrections
2 funds as provided in this section. In order to enter into a
3 community corrections partnership contract, a county or county
4 consortium must have a public safety coordinating council
5 established under s. 951.26 and must designate a county
6 officer or agency to be responsible for administering
7 community corrections funds received from the state. The
8 public safety coordinating council shall prepare, develop, and
9 implement a comprehensive public safety plan for the county,
10 or the geographic area represented by the county consortium,
11 and shall submit an annual report to the Department of
12 Corrections concerning the status of the program. In preparing
13 the comprehensive public safety plan, the public safety
14 coordinating council shall cooperate with the juvenile justice
15 circuit board and the juvenile justice county council,
16 established under s. 985.664 ~~985.4135~~, in order to include
17 programs and services for juveniles in the plan. To be
18 eligible for community corrections funds under the contract,
19 the initial public safety plan must be approved by the
20 governing board of the county, or the governing board of each
21 county within the consortium, and the Secretary of Corrections
22 based on the requirements of this section. If one or more
23 other counties develop a unified public safety plan, the
24 public safety coordinating council shall submit a single
25 application to the department for funding. Continued contract
26 funding shall be pursuant to subsection (5). The plan for a
27 county or county consortium must cover at least a 5-year
28 period and must include:

29 (a) A description of programs offered for the job
30 placement and treatment of offenders in the community.

31 (b) A specification of community-based intermediate

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1 sentencing options to be offered and the types and number of
2 offenders to be included in each program.

3 (c) Specific goals and objectives for reducing the
4 projected percentage of commitments to the state prison system
5 of persons with low total sentencing scores pursuant to the
6 Criminal Punishment Code.

7 (d) Specific evidence of the population status of all
8 programs which are part of the plan, which evidence
9 establishes that such programs do not include offenders who
10 otherwise would have been on a less intensive form of
11 community supervision.

12 (e) The assessment of population status by the public
13 safety coordinating council of all correctional facilities
14 owned or contracted for by the county or by each county within
15 the consortium.

16 (f) The assessment of bed space that is available for
17 substance abuse intervention and treatment programs and the
18 assessment of offenders in need of treatment who are committed
19 to each correctional facility owned or contracted for by the
20 county or by each county within the consortium.

21 (g) A description of program costs and sources of
22 funds for each community corrections program, including
23 community corrections funds, loans, state assistance, and
24 other financial assistance.

25 Section 118. Section 958.046, Florida Statutes, is
26 amended to read:

27 958.046 Placement in county-operated boot camp
28 programs for youthful offenders.--In counties where there are
29 county-operated youthful offender boot camp programs, other
30 than boot camps described in s. 958.04 or s. 985.489 ~~985.309~~,
31 the court may sentence a youthful offender to such a boot

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1 camp. In county-operated youthful offender boot camp programs,
2 juvenile offenders shall not be commingled with youthful
3 offenders.

4 Section 119. Paragraphs (b) and (j) of subsection (1)
5 of section 960.001, Florida Statutes, are amended to read:

6 960.001 Guidelines for fair treatment of victims and
7 witnesses in the criminal justice and juvenile justice
8 systems.--

9 (1) The Department of Legal Affairs, the state
10 attorneys, the Department of Corrections, the Department of
11 Juvenile Justice, the Parole Commission, the State Courts
12 Administrator and circuit court administrators, the Department
13 of Law Enforcement, and every sheriff's department, police
14 department, or other law enforcement agency as defined in s.
15 943.10(4) shall develop and implement guidelines for the use
16 of their respective agencies, which guidelines are consistent
17 with the purposes of this act and s. 16(b), Art. I of the
18 State Constitution and are designed to implement the
19 provisions of s. 16(b), Art. I of the State Constitution and
20 to achieve the following objectives:

21 (b) Information for purposes of notifying victim or
22 appropriate next of kin of victim or other designated contact
23 of victim.--In the case of a homicide, pursuant to chapter
24 782; or a sexual offense, pursuant to chapter 794; or an
25 attempted murder or sexual offense, pursuant to chapter 777;
26 or stalking, pursuant to s. 784.048; or domestic violence,
27 pursuant to s. 25.385:

28 1. The arresting law enforcement officer or personnel
29 of an organization that provides assistance to a victim or to
30 the appropriate next of kin of the victim or other designated
31 contact must request that the victim or appropriate next of

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1 kin of the victim or other designated contact complete a
2 victim notification card. However, the victim or appropriate
3 next of kin of the victim or other designated contact may
4 choose not to complete the victim notification card.

5 2. Unless the victim or the appropriate next of kin of
6 the victim or other designated contact waives the option to
7 complete the victim notification card, a copy of the victim
8 notification card must be filed with the incident report or
9 warrant in the sheriff's office of the jurisdiction in which
10 the incident report or warrant originated. The notification
11 card shall, at a minimum, consist of:

12 a. The name, address, and phone number of the victim;
13 or

14 b. The name, address, and phone number of the
15 appropriate next of kin of the victim; or

16 c. The name, address, and phone number of a designated
17 contact other than the victim or appropriate next of kin of
18 the victim; and

19 d. Any relevant identification or case numbers
20 assigned to the case.

21 3. The chief administrator, or a person designated by
22 the chief administrator, of a county jail, municipal jail,
23 juvenile detention facility, or residential commitment
24 facility shall make a reasonable attempt to notify the alleged
25 victim or appropriate next of kin of the alleged victim or
26 other designated contact within 4 hours following the release
27 of the defendant on bail or, in the case of a juvenile
28 offender, upon the release from residential detention or
29 commitment. If the chief administrator, or designee, is unable
30 to contact the alleged victim or appropriate next of kin of
31 the alleged victim or other designated contact by telephone,

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1 the chief administrator, or designee, must send to the alleged
2 victim or appropriate next of kin of the alleged victim or
3 other designated contact a written notification of the
4 defendant's release.

5 4. Unless otherwise requested by the victim or the
6 appropriate next of kin of the victim or other designated
7 contact, the information contained on the victim notification
8 card must be sent by the chief administrator, or designee, of
9 the appropriate facility to the subsequent correctional or
10 residential commitment facility following the sentencing and
11 incarceration of the defendant, and unless otherwise requested
12 by the victim or the appropriate next of kin of the victim or
13 other designated contact, he or she must be notified of the
14 release of the defendant from incarceration as provided by
15 law.

16 5. If the defendant was arrested pursuant to a warrant
17 issued or taken into custody pursuant to s. 985.101 ~~985.207~~ in
18 a jurisdiction other than the jurisdiction in which the
19 defendant is being released, and the alleged victim or
20 appropriate next of kin of the alleged victim or other
21 designated contact does not waive the option for notification
22 of release, the chief correctional officer or chief
23 administrator of the facility releasing the defendant shall
24 make a reasonable attempt to immediately notify the chief
25 correctional officer of the jurisdiction in which the warrant
26 was issued or the juvenile was taken into custody pursuant to
27 s. 985.101 ~~985.207~~, and the chief correctional officer of that
28 jurisdiction shall make a reasonable attempt to notify the
29 alleged victim or appropriate next of kin of the alleged
30 victim or other designated contact, as provided in this
31 paragraph, that the defendant has been or will be released.

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1 (j) Notification of right to request restitution.--Law
2 enforcement agencies and the state attorney shall inform the
3 victim of the victim's right to request and receive
4 restitution pursuant to s. 775.089 or s. 985.437
5 ~~985.231(1)(a)1.~~, and of the victim's rights of enforcement
6 under ss. 775.089(6) and 985.0301 ~~985.201~~ in the event an
7 offender does not comply with a restitution order. The state
8 attorney shall seek the assistance of the victim in the
9 documentation of the victim's losses for the purpose of
10 requesting and receiving restitution. In addition, the state
11 attorney shall inform the victim if and when restitution is
12 ordered. If an order of restitution is converted to a civil
13 lien or civil judgment against the defendant, the clerks shall
14 make available at their office, as well as on their website,
15 information provided by the Secretary of State, the court, or
16 The Florida Bar on enforcing the civil lien or judgment.

17 Section 120. Subsection (48) of section 984.03,
18 Florida Statutes, is amended to read:

19 984.03 Definitions.--When used in this chapter, the
20 term:

21 (48) "Serious or habitual juvenile offender program"
22 means the program established in s. 985.47 ~~985.31~~.

23 Section 121. Section 984.05, Florida Statutes, is
24 amended to read:

25 984.05 Rules relating to habitual truants; adoption by
26 State Board of Education and Department of Juvenile
27 Justice.--The Department of Juvenile Justice and the State
28 Board of Education shall work together on the development of,
29 and shall adopt, rules as necessary for the implementation of
30 ss. 984.03(27), 985.03(~~24~~)(~~25~~), and 1003.27.

31 Section 122. Paragraph (b) of subsection (4) of

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1 section 984.09, Florida Statutes, is amended to read:

2 984.09 Punishment for contempt of court; alternative
3 sanctions.--

4 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
5 PROCESS.--

6 (b) If a child is charged with indirect contempt of
7 court, the court must hold a hearing within 24 hours to
8 determine whether the child committed indirect contempt of a
9 valid court order. At the hearing, the following due process
10 rights must be provided to the child:

11 1. Right to a copy of the order to show cause alleging
12 facts supporting the contempt charge.

13 2. Right to an explanation of the nature and the
14 consequences of the proceedings.

15 3. Right to legal counsel and the right to have legal
16 counsel appointed by the court if the juvenile is indigent,
17 pursuant to s. 985.033 ~~985.203~~.

18 4. Right to confront witnesses.

19 5. Right to present witnesses.

20 6. Right to have a transcript or record of the
21 proceeding.

22 7. Right to appeal to an appropriate court.

23
24 The child's parent or guardian may address the court regarding
25 the due process rights of the child. The court shall review
26 the placement of the child every 72 hours to determine whether
27 it is appropriate for the child to remain in the facility.

28 Section 123. Subsections (2) and (6) of section
29 984.226, Florida Statutes, are amended to read:

30 984.226 Physically secure setting.--

31 (2) When a petition is filed alleging that a child is

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1 a child in need of services, the child must be represented by
2 counsel at each court appearance unless the record in that
3 proceeding affirmatively demonstrates by clear and convincing
4 evidence that the child knowingly and intelligently waived the
5 right to counsel after being fully advised by the court of the
6 nature of the proceedings and the dispositional alternatives
7 available to the court under this section. If the court
8 decides to appoint counsel for the child and if the child is
9 indigent, the court shall appoint an attorney to represent the
10 child as provided under s. 985.033 ~~985.203~~. Nothing precludes
11 the court from requesting reimbursement of attorney's fees and
12 costs from the nonindigent parent or legal guardian.

13 (6) Prior to being ordered to a physically secure
14 setting, the child must be afforded all rights of due process
15 required under s. 985.037 ~~985.216~~. While in the physically
16 secure setting, the child shall receive appropriate
17 assessment, treatment, and educational services that are
18 designed to eliminate or reduce the child's truant,
19 ungovernable, or runaway behavior. The child and family shall
20 be provided with family counseling and other support services
21 necessary for reunification.

22 Section 124. Subsection (22) of section 1003.52,
23 Florida Statutes, is amended to read:

24 1003.52 Educational services in Department of Juvenile
25 Justice programs.--

26 (22) The Department of Juvenile Justice and the
27 Department of Education, in consultation with Workforce
28 Florida, Inc., the statewide Workforce Development Youth
29 Council, district school boards, community colleges,
30 providers, and others, shall jointly develop a multiagency
31 plan for career education which describes the funding,

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1 curriculum, transfer of credits, goals, and outcome measures
2 for career education programming in juvenile commitment
3 facilities, pursuant to s. 985.622 ~~985.3155~~. The plan must be
4 reviewed annually.

5 Section 125. Subsection (2) of section 1006.08,
6 Florida Statutes, is amended to read:

7 1006.08 District school superintendent duties relating
8 to student discipline and school safety.--

9 (2) Notwithstanding the provisions of s. 985.04(7)(4)
10 or any other provision of law to the contrary, the court
11 shall, within 48 hours of the finding, notify the appropriate
12 district school superintendent of the name and address of any
13 student found to have committed a delinquent act, or who has
14 had adjudication of a delinquent act withheld which, if
15 committed by an adult, would be a felony, or the name and
16 address of any student found guilty of a felony. Notification
17 shall include the specific delinquent act found to have been
18 committed or for which adjudication was withheld, or the
19 specific felony for which the student was found guilty.

20 Section 126. Paragraph (a) of subsection (5) of
21 section 1006.13, Florida Statutes, is amended to read:

22 1006.13 Policy of zero tolerance for crime and
23 victimization.--

24 (5)(a) Notwithstanding any provision of law
25 prohibiting the disclosure of the identity of a minor,
26 whenever any student who is attending public school is
27 adjudicated guilty of or delinquent for, or is found to have
28 committed, regardless of whether adjudication is withheld, or
29 pleads guilty or nolo contendere to, a felony violation of:

30 1. Chapter 782, relating to homicide;

31 2. Chapter 784, relating to assault, battery, and

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1 culpable negligence;

2 3. Chapter 787, relating to kidnapping, false
3 imprisonment, luring or enticing a child, and custody
4 offenses;

5 4. Chapter 794, relating to sexual battery;

6 5. Chapter 800, relating to lewdness and indecent
7 exposure;

8 6. Chapter 827, relating to abuse of children;

9 7. Section 812.13, relating to robbery;

10 8. Section 812.131, relating to robbery by sudden
11 snatching;

12 9. Section 812.133, relating to carjacking; or

13 10. Section 812.135, relating to home-invasion
14 robbery,

15

16 and, before or at the time of such adjudication, withholding
17 of adjudication, or plea, the offender was attending a school
18 attended by the victim or a sibling of the victim of the
19 offense, the Department of Juvenile Justice shall notify the
20 appropriate district school board of the adjudication or plea,
21 the requirements of this paragraph, and whether the offender
22 is prohibited from attending that school or riding on a school
23 bus whenever the victim or a sibling of the victim is
24 attending the same school or riding on the same school bus,
25 except as provided pursuant to a written disposition order
26 under s. 985.455(2) ~~985.23(1)(d)~~. Upon receipt of such notice,
27 the district school board shall take appropriate action to
28 effectuate the provisions of paragraph (b).

29 Section 127. Subsection (1) of section 1012.797,
30 Florida Statutes, is amended to read:

31 1012.797 Notification of district school

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1 superintendent of certain charges against or convictions of
2 employees.--

3 (1) Notwithstanding the provisions of s. 985.04~~(7)~~~~(4)~~
4 or any other provision of law to the contrary, a law
5 enforcement agency shall, within 48 hours, notify the
6 appropriate district school superintendent of the name and
7 address of any employee of the school district who is charged
8 with a felony or with a misdemeanor involving the abuse of a
9 minor child or the sale or possession of a controlled
10 substance. The notification shall include the specific charge
11 for which the employee of the school district was arrested.
12 Such notification shall include other education providers such
13 as the Florida School for the Deaf and the Blind, university
14 lab schools, and private elementary and secondary schools.

15 Section 128. This act shall take effect January 1,
16 2006.

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